

## Planning Committee

Tuesday, 29th March 2022, 6.30 pm

Council Chamber, Town Hall, Chorley and YouTube

I am now able to enclose, for consideration at the above meeting of the Planning Committee, the following reports that were unavailable when the agenda was published.

### Agenda No    Item

#### **3      Planning applications to be determined**

The Director (Planning and Development) has submitted five items for planning applications to be determined (enclosed).

Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website.

<https://planning.chorley.gov.uk/online-applications/search.do?action=simple&searchType=Application>

**a 21/01416/FUL - Land South Of Mercer Court And East Of Westhoughton Road, Adlington**

(Pages 17 - 32)

**b 21/00327/FULMAJ - Land 120M East Of 27, Charter Lane, Charnock Richard**

(Pages 33 - 68)

**c 21/01166/FUL - The Croft, Lower Simpson Fold, Blackburn Road, Higher Wheelton, Chorley, PR6 8HL**

(Pages 69 - 82)

**f 22/00169/FULHH - 153 School Lane, Brinscall, Chorley, PR6 8PT**

(Pages 83 - 88)

#### **4      Appeals Report**

(Pages 89 - 92)

Gary Hall  
Chief Executive

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**APPLICATION REPORT – 21/01416/FUL**

**Validation Date: 16 December 2021**

**Ward: Adlington And Anderton**

**Type of Application: Full Planning**

**Proposal: Erection of six buildings comprising 12no light industrial business units (resubmission of 20/01053/FULMAJ)**

**Location: Land South Of Mercer Court And East Of Westhoughton Road Adlington**

**Case Officer: Mike Halsall**

**Applicant: Mr E Joynt**

**Agent: Mr Robert Gifford von Schiller**

**Consultation expiry: 6 January 2022**

**Decision due by: 01 April 2022 (Extension of time agreed)**

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**RECOMMENDATION**

1. It is recommended that planning permission is refused for the following reason:

The proposed development would result in an increased intensity of activity, particularly from vehicles accessing the site with great regularity, which would result in undue noise and disturbance that would be harmful to the amenity of neighbouring residential occupiers contrary to policies EP3, EP4 and BNE1 of the Chorley Local Plan 2012 - 2026.

**SITE DESCRIPTION**

2. The application site is located to the south of Rawlinson Lane and Mercer Court between a railway line to the east and existing residential development to the west. It lies within the settlement area of Adlington and is currently accessed via a short road serving three residential dwellings on Mercer Court.
3. Whilst bordered by trees, a large majority of the site is covered by hardstanding, with the site previously being used intermittently for storage purposes, and more recently as a base for Network Rail contractors to carry out works to the railway. The site is long and narrow at approximately 20m in width, extending to approximately 285m in length.
4. The character of the surrounding area is residential and consists largely of modern detached dwellings with more traditional terraced and semi-detached dwellings further to the west of the site facing Westhoughton Road. The railway line to the east of the site is a notable feature in the context of the application site.
5. It is noted that planning permission has been previously granted, in 2016, for the erection of two dwellings to the north of the application site (application ref. 16/00498/FUL) adjacent to no.3 Mercer Court, and more recently in 2019 for the erection of 7no. dwellings and associated works (application ref. 18/00191/FUL). Planning permission was refused by planning committee, against officer recommendation, in September 2021 for seven units at the application site (application ref. 20/01053/FULMAJ). The reason for refusal was as follows:

*'The proposed development would result in an increased intensity of activity, particularly from vehicles accessing the site with great regularity, which would result in undue noise and disturbance that would be harmful to the amenity of neighbouring residential occupiers contrary to policies EP3, EP4 and BNE1 of the Chorley Local Plan 2012 - 2026.'*

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

6. The application seeks planning permission for the erection of six buildings comprising light industrial business units, which fall within use class E(g) of the Town and Country Planning (Use Classes) Order 1987 (as amended). Use class (E(g) includes the following:
  - (i) an office to carry out any operational or administrative functions (Offices – formerly use class B1(a));
  - (ii) the research and development of products or processes (formerly use class B1(b)); or
  - (iii) industrial processes, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. (Light Industrial – formerly use class B1(c)).
7. The proposed buildings would be of a traditional design style with dual pitched roofs and gable features faced in a combination of red brick and render. All six buildings would be identical in size and appearance with dimensions of approximately 22m by 7m footprint, whilst each building would have a ridge and eaves height of 5.4m and 3.4m respectively.
8. Access would be taken from Mercer Court and the buildings would be set out in a linear arrangement along an access drive with a turning head to the far south of the site. Each building would split into two units resulting in a total of 12no. units.
9. The main differences of this proposal compared to the previously refused scheme are as follows:
  - one fewer building (2 fewer units) is proposed;
  - the maximum height of the buildings has been reduced by approximately 1m;
  - the hours of operation have been reduced from 0800 – 1800 hours Monday to Friday and 0800 – 1300 hours on a Saturday to 0830 – 1730 hours Monday to Friday and 0830 - 1300 hours on a Saturday; and
  - the applicant has submitted details in relation to the need for this type of unit in Adlington and the wider Chorley area.

## **REPRESENTATIONS**

10. Representations from the occupiers of 17no. addresses have been received citing the following grounds of objection:
  - Impact on residential amenity through increased intensity of activity causing noise and disturbance through the use of the units and vehicles accessing the site
  - Highway safety with regards to the site access from Rawlinson Lane – 20mph zone, increase in vehicle movements would exacerbate the problem of vehicles which regularly disregard the speed limit
  - Devaluing adjacent dwellings and the environment
  - Any removal of vegetation would impact wildlife and water run-off
  - Further hardstanding would cause more flooding
  - Rodents moving from the site into surrounding gardens
  - Harm to protected species – newts, owls and bats
  - Light and air pollution, odour / fumes, overlooking, loss of privacy
  - Site hasn't been used for light commercial use over past 20 years, was used by network rail
  - Site has been used as a dumping ground for vehicles
  - Questions over submission information relating to the tree report, foul sewage, and waste collection
  - Visual impact
  - Tree loss

- Narrow site would make vehicle manoeuvring more difficult
  - Foul drainage system is overwhelmed
  - Increase in traffic
  - Impacts upon health and wellbeing
  - Must be other empty units in the Chorley district
  - Inadequacy of noise assessment
11. The applicant has responded to the neighbour comments, raising the following points, in summary:
- Responses refer to the proposal relating to industrial development which falls under Use Class B2, this is not the case as the proposal is for light commercial uses under Use Class E
  - The site would not have HGVs entering – the applicant lives at the site entrance and would not want this
  - The light commercial use is acceptable in residential areas
  - The size and design of the units also indicate a light commercial use. The applicant has interest from a hair dressing business, a small IT business and none from any industrial business as it is not a suitable site for B2 uses
  - Noise is mitigated and confirmed in the noise assessment. Ironically, if the applicant had wanted to pursue industrial use, he would not have submitted this application based on the historical use of the site
  - Improvements are proposed to the site access to make this suitable – as agreed with the Highway Authority
  - The level of parking proposed is adequate, why would people park on Rawlinson Lane and walk to the site
  - If roller shutter doors are to be fitted, these would be eco plastic and low noise emitting
  - The proposed use is more fitting to the area, next to a trainline, than the approved housing
  - A drainage scheme would be secured by planning condition
  - Traffic would be limited to 10mph with speed bumps

## CONSULTATIONS

12. Adlington Town Council: Have responded to object to the proposal and, in summary, state the following:
- The site is considered an inappropriate location for light industrial use
  - The site is in a residential area
  - The site is long, narrow and restricted
  - Concerns are about access, safety, size, number, and frequency of vehicles
  - Inadequate parking provision would lead to on-street parking
  - Pollution, noise, dust and smells
  - Restricting hours of operation would be needed.
13. Heath Charnock Parish Council: Have responded to object to the proposal and, in summary, state the following:
- Not in keeping with the area's rural residential character
  - Inappropriate use on a long narrow site, sandwiched between residential properties and the railway line
  - Concerns relating to unsuitable access, harm to residential amenity, traffic, highway safety, inadequate parking
  - Noise, dust, smells
  - Restricting hours of operation Would be needed.
14. Waste & Contaminated Land Officer: Have advised that the development site is former railways land where there is a possibility of ground contamination; however, given the nature of the proposed development as non-residential and what is known about the site, it is unlikely the site would be determined as contaminated land. They have raised no objections.

15. Lancashire County Council Highway Services (LCC Highway Services): Have advised that their response provided in relation to the previous planning application at this site remains of relevance. LCC Highway Services have no objection to the proposal, subject to conditions which secure the construction of the site access and the off-site works of highway improvements.
16. Lead Local Flood Authority (LLFA): Have confirmed they have no comments to make on this application as it is not a Major development. The previous application on this site was a Major development due to the additional building proposed as part of that application lifting the floor space above the 1000 sqm threshold. The LLFA responded to the previous application with no objection.
17. United Utilities: Have commented that the proposal is acceptable in principle subject to conditions.
18. Network Rail: Have commented that the proposal is acceptable in principle subject to conditions.
19. Regulatory Services - Environmental Health Officer: Have advised that their response provided in relation to the previous planning application at this site remains of relevance. They have no objection to the proposal.
20. Greater Manchester Ecology Unit: Have commented that the proposal is acceptable in principle subject to conditions.

## **PLANNING CONSIDERATIONS**

### Principle of development

19. The National Planning Policy Framework (the Framework) sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
20. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
  - a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
21. At the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
22. For decision-taking this means:

approving development proposals that accord with an up-to-date development plan without delay; or

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

23. Paragraph 80 of the Framework covers Building a Strong Competitive Economy and states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
24. It is noted that policy 1(d) of the Central Lancashire Core Strategy states that some growth and investment will be encouraged in Urban Local Service Centres such as Adlington, where the site is located, therefore, the proposed development is in line with this policy.
25. The application site is not designated within the Chorley Local Plan 2012 - 2026 and is previously developed land. The site is located within the settlement boundary, as defined by Policy V2 of the Local Plan. Within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within this Plan.
26. Policy EP3 The Chorley Local Plan 2012-2026 provides guidance for the development of new business and industrial developments. This policy sets out a number of criteria to be satisfied by such proposals. The most relevant criteria to this proposal are set out and assessed as follows:
  27. *a) they are of a scale and character that is commensurate with the size of the settlement;*  
The proposed development consists of 6no. single storey structures of modest scale (up to 5.4m in height), providing light industrial units of up to 80m.sq. They are of a traditional building design style with a domestic aesthetic rather than a modern industrial style and would be laid out in a linear pattern reflecting the geometry of the site. The development is of a scale that is commensurate with the type of area within which it would be located, which is largely residential, as the units would be low in height and would have pitched roofs and gable features. The design and character would be reflective of the traditional design styles evident in the nearby housing estates and are an appropriate design response to the site and its surroundings.
  28. *b) the site is planned and laid out on a comprehensive basis;*  
The site would be developed on a comprehensive basis accounting for access, parking and servicing requirements, landscaping and site constraints, whilst balancing this with an effective and efficient use of the land.
  29. *c) the site will not prejudice future, or current economic activities within nearby areas;*  
There is no evidence to suggest that the proposed development would prejudice future, or current economic activities within nearby areas and provides windfall opportunity, balancing with other situations whereby employment land has been lost to residential uses.
  30. *d) the proposal will not cause unacceptable harm e.g. noise, smells to surrounding uses;*  
The fact that the previous application was refused by the Council's planning committee on the basis of unacceptable impacts from increased noise and disturbance is a material consideration in the determination of the planning application.

The application seeks planning permission for light industrial units, which falls within the light industrial use class specified under class E(g) of the Town and Country Planning (Use Classes) Order 1987 (as amended). This use class specifically allows for any industrial

process being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

The applicant has submitted a noise assessment in support of the proposed development, which demonstrates that the use of the units for industrial purposes would not have a significantly adverse impact on residential amenity. This has been reviewed by the Council's environmental health officer (EHO) who confirms that the noise assessment is adequate and the assumptions used are reasonable, including the use of older but more representative background noise levels, and a worst case scenario assumption that all units would be simultaneously producing internal noise. The EHO, therefore, raises no objection and recommends that within the structure of the buildings noise attenuation measures are provided and that operations are carried out with windows and doors closed, whilst it is also recommended that working hours are from 8am each day and no earlier.

However, the proposal would introduce new employment units in a predominantly residential area which would result in an increased intensity of activity at the site, particularly from vehicles accessing the site with great regularity. It is not considered that reducing the proposed number of buildings by one building (2 units) compared to the previously refused application would have a significant benefit in terms of reducing the magnitude of these impacts. It is considered that the proposal would result in undue noise and disturbance that would be harmful to the amenity of neighbouring residential occupiers. The proposal, therefore, conflicts with this part of policy EP3 of the Chorley Local Plan 2012 – 2026.

31. *e) the site has an adequate access that would not create a traffic hazard or have an undue environmental impact;*  
Access would be taken from Rawlinson Lane to the north via Mercer Court. The acceptability of the highway impact is assessed in detail below.
32. *f) the proposal will be served by public transport and provide pedestrian and cycle links to adjacent areas;*  
Public transport is readily accessible from the site with a high frequency bus route running along Chorley Road, which is a short walk away to the east, providing regular daily services to a number of surrounding towns including Chorley, Bolton and Preston. Adlington train station is the closest station to the site and is less than 1 mile away to the south. The location is easily accessible on foot or bicycle to residential areas. As such the site provides excellent accessibility to a large catchment.
33. *g) open storage areas should be designed to minimise visual intrusion;*  
No open storage areas are proposed and could be restricted by condition.
34. *h) adequate screening is provided where necessary to any unsightly feature of the development and security fencing is located to the internal edge of any perimeter landscaping;*  
The site is not a prominent one, being located between residential land and the railway. As such any visibility of the site from public vantage points is limited to views from the opposite side of the railway at the end of Barn View and a footpath from Maytree Court. As such landscaping and the position of fencing is not of particular importance in this respect.
35. *i) on the edges of industrial areas, where sites adjoin residential areas or open countryside, developers will be required to provide substantial peripheral landscaping;*  
The site does adjoin residential areas and, therefore, landscaping is an important aspect in this regard. It is proposed that existing boundary fencing be maintained together with existing trees and shrubs to the site boundary features. New planting is proposed to complement the proposed site layout, although no such details have been provided at this point. Landscaping details could be required by a condition.
36. *j) the development makes safe and convenient access provision for people with disabilities;*  
It is proposed that access around the site would be level with minimal gradients, whilst DDA access would be provided at all units. There would also be disabled parking bays.



37. *k) the buildings are designed, laid out and landscaped to maximise the energy conservation potential of any development, and to minimise the risk of crime;*

In order to comply with Building Regulations Part L2'A' requirements certain elements may also be required to be implemented to reduce Carbon Emissions.

38. *l) the proposal will not result in surface water, drainage or sewerage related pollution problems; and*

The applicant has submitted a Flood Risk Assessment and Outline Drainage Strategy in support of the proposed development which was assessed by the Lead Local Flood Authority (Lancashire County Council) as part of the previously submitted application, this is covered in more detail below.

39. *m) the proposal incorporates measures which help to prevent crime and promote community safety.*

The site is enclosed by other land uses and the railway line and shares no interface with any public land with access to the public highway via an unadopted road. It is the intention to retain the existing site boundaries, however, it is noted that new fencing and gates may be required at the entrance to the site to ensure adequate security. In order to ensure an adequate visual appearance details of fences, boundaries and gates could be secured by condition.

40. The applicant has submitted evidence of the need for this type of development in Adlington and the wider Chorley area, as follows:

- The applicant's agent confirmed they undertook a search of On the Market and Prime Location websites across Chorley and found no comparable Class E units in the area
- Expressions of interest have been forwarded to the case officer from two business owners (a hairdressing academy and a finance company) who are interested in leasing units, should planning permission be granted and the permission be implemented.

41. The Chorley Local Plan acknowledges that not all allocated employment sites will cater for all employment uses, especially small businesses or the self-employed. The proposed units are small in scale and, therefore, ideally suited to small businesses. The valuable contribution these types of uses make to the local economy is recognised for the jobs created and investment in the area. However, this recognition has to be balanced against protecting existing public and residential amenity, especially in residential areas and policy EP4 of the Chorley Local Plan 2012 – 2026 reflects this supporting small scale employment development in areas where housing is the principal land use, provided there would be no detriment to the amenity of the area in terms of scale, character, noise, nuisance, disturbance, environment and car parking. These matters have been covered to some extent in the assessment of policy EP3 above, and further assessment in relation to these factors is set out below. The proposal conflicts with part 'd' of policy EP3 of the Chorley Local Plan 2012 – 2026.

#### Design and impact on the character of the area

42. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

43. The application site is located off Rawlinson Lane, via Mercer Court, and is a long narrow strip of land between the railway to the east and existing residential development to the west. The site does not occupy a prominent position and the proposed buildings on the site would only be visible via glimpses from distance. As such any development of the site would have a limited visual impact on the broader character of the area.

44. The proposed development comprises six buildings set out in a linear arrangement along an access drive that terminates in a turning head. The buildings themselves would be of a traditional domestic design style and scale reflective of surrounding residential development.

Given that the site is hard surfaced, has been used as a site compound for Network Rail and has been used sporadically for outdoor storage in the past, the proposed development would improve the appearance of the site. The buildings themselves comprise features such as pitched roofs, gables, brick detailing, and areas of glazing. These would provide a domestic aesthetic and a level of interest beyond that normally associated with industrial and business units. It is noted that there are a range of property types in the area, and the use of a traditional design style is compatible with the character of the surrounding area.

45. The layout of the development would follow a linear pattern reflective of the site and would make an efficient use of the land, allowing for parking and manoeuvring, whilst providing an adequate stand off from the operational railway land. The site has been used for storage and railway maintenance purposes for some time and the use for light industrial businesses would be compatible in the context of the area.
46. Overall, the layout and design of the proposed development is considered acceptable and appropriate to the existing surrounding development and is in accordance with policy 17 of the Core Strategy and policy BNE1 of the Chorley Local Plan 2012 – 2026.

#### Impact on neighbour amenity

47. Policy BNE1 of the Chorley Local Plan 2012-2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that, the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.
48. Policy EP4 of the Chorley Local Plan 2012-2026 identifies that new small scale employment development will be permitted in areas where housing is the principal land use provided there would be no detriment to the amenity of the area in terms of scale, character, noise, nuisance, disturbance, environment and car parking.
49. As previously noted in this report, the Council's refusal of the previous planning application at this site is a material consideration in the determination of this planning application and must be afforded weight in the planning assessment.
50. The proposed buildings would be laid out in a linear pattern running along a north south axis. There would be windows and entrance doors in the western elevations and large roller shutter doors in the northern and southern elevations. The access road would run to the west of the buildings adjacent to rear gardens at Kings Lea.
51. The dwellings at nos. 8, 9, 10, 15, 16 and 17 Kings Lea are positioned closest to the site and their rear gardens bound the site. The proposed buildings would be positioned to the east of these existing dwellings, at approximately 4m from the garden boundaries. Given the positioning of these dwellings at an angle to the proposed buildings and the maximum ridge heights of 5.4m and eaves heights of 3.4m, the degree of separation is such that there would be no adverse impact on light or outlook given the design and scale of the proposed buildings.
52. It is noted that the tops of the buildings would be visible from the garden areas and that vehicles would pass to the rear of these gardens during working hours, along with the potential loading and unloading of vehicles. As such noise and disturbance would be experienced by the occupiers of those dwellings, giving rise to an unacceptably detrimental impact on residential amenity.
53. There are two properties on Mercer Court that are not within the ownership of the applicant. These are at the junction of the Mercer Court and Rawlinson Lane and are located some considerable distance from the position of the proposed units themselves. The main impact that would be experienced by the occupiers of these properties would be from vehicles visiting the site. The associated noise and disruption associated with these vehicle movements on the occupiers of these dwellings would also have an unacceptably detrimental impact on residential amenity.

54. The proposed buildings would be located approximately 25m from residential dwellings and gardens to the east of the site with the railway located between these properties and the application site. Given the degree of separation and scale of development it is not considered that there would be an unacceptable impact on the amenity of the occupiers of these dwellings from the presence of the buildings themselves and vehicle movements.
55. Overall, it is considered that there would be an unacceptable degree of harm to the amenity of any nearby neighbouring occupiers and the development is considered to conflict with policies EP3, EP4 and BNE1 of the Chorley Local Plan 2012 -2026 in this regard. The reduction in the scale of the proposal by one fewer building (2 units) is not considered to result in a sufficient reduction in the intensity of these impacts.

#### Highway safety

56. The application site extends from Mercer Court on the western edge of the Blackpool/Manchester Airport railway to the south boundary of 60 Westhoughton Road. It is the same site that was granted planning permission under reference 18/00191/FUL for a residential development of 7 dwellings comprising 2 and 3 bedroomed dwellings, but which is yet to be implemented.
57. The current proposal is for light industrial development comprising 6 individual buildings arranged in a similar layout to the approved residential dwellings. The previously approved 5.0m wide site access road is retained, but with the soft landscaped areas replaced with hard-paving in the current development.
58. The applicant proposes a total of 30no. parking spaces, including 7 spaces for disabled users, cycle storage and motorbike spaces. LCC Highway Services have assessed the development and consider that this is an acceptable level of parking.
59. In the previously approved residential development, the need for alterations to realign the existing junction of Rawlinson Lane and Mercer Court for improved visibility and safety was identified. A scheme drawing by Croft, referenced 2433-F01 (Sep 18) was, therefore, approved for implementation, however, as the current proposal seeks light industrial use, which may involve more larger vehicle movements than the approved residential development, it is not considered the scheme approved for the residential development would be suitable and adequate for commercial traffic.
60. On this basis, the applicant was required as part of the previously refused proposal to submit a scheme of improvement works for the junction to ensure safe access in and out of the site. LCC Highways confirmed that the access arrangement is acceptable at Rawlinson Lane/Mercer Court, shown on drawing no. SCP/200770/SK01 rev. B, and the same drawing has been submitted in support of this application.
61. The drawing shows that the junction would be realigned by cutting back the existing brick wall and extending the footway on the south side of Rawlinson Lane into Mercer Court. The footway extension on the east side of Mercer Court would be 2.0m wide for at least 10m and then narrowed into a hard strip to accommodate lighting provision. On the west side, the footway would be 1.8m wide and extended for the full length of Mercer Court. The footways should be clearly delineated from the carriageway with raised kerbs. Dropped kerbs and tactile pavings would be provided on Mercer Court to facilitate crossing at the junction, however, as Mercer Court is unadopted and currently privately maintained, installation of the crossing and its subsequent maintenance is the applicant's responsibility.
62. Works to realign the junction would require the existing footway on the south side of Rawlinson Lane to be reduced in length on the east of the junction, whilst that on the west is extended eastwards to ensure the access is provided to 5.5m width with 6.0m corner radii. The works within the adopted highway would be carried out through an appropriate agreement with LCC as the local highway authority with all costs borne by the applicant, including the cost of relocating the existing utility chamber and lamp column on the east of the junction if considered necessary to allow safe access and egress of Mercer Court.

63. Overall, LCC Highway Services as the local highway authority for the area consider that the proposed development is acceptable in principle subject to the submission and implementation of a scheme for the construction of the site access and the off-site works of highway improvement.

#### Drainage

64. Policy 29 of the Central Lancashire Core Strategy requires appraising, managing and reducing flood risk in all new developments, avoiding inappropriate development in flood risk areas. A Flood Risk Assessment (FRA) has been submitted in support of the proposed development prepared by CTC Infrastructure Limited.
65. The application site is a low lying strip of land that has been hard surfaced and currently has a low level of permeability. The site lies within Flood Zone 1, which is the lowest risk and is identified as land assessed as having a less than 1 in 1000 annual probability of river or sea flooding (<0.1%). Eller Brook passes under the site and beneath the Preston to Bolton railway line midway along the length of the site in culvert. The watercourse at Eller Brook flows to the west to ultimately discharge into the River Yarrow approximately 1.7 km from the site. The site falls towards the position of Eller Brook into which surface water runoff from the site currently discharges.
66. Surface water (including the risk of sewers and culverted watercourses surcharging) poses the highest risk of more frequent flooding. Surface water drainage from new developments is critical in reducing the risk of localised flooding. The Environment Agency Risk of Flooding from Surface Water map indicates a low risk to the site from surface water flooding in the vicinity of the Eller Brook where it crosses under the site in culvert. The mapping identifies that should surface water flooding occur then the flood depth is expected to be below 300mm. There is no record of the site flooding, and as such the risk is low from sewer flooding and pluvial runoff.
67. The site falls within a region characterised by slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soils with impeded drainage that is not conducive to infiltration. Surface water runoff from the existing site discharges into the watercourse at Eller Brook. It is, therefore, intended that new surface water drainage would be constructed, and appropriately sized, to take all surface water runoff from the buildings roofs, access road and hardstanding areas, and be controlled to pre-development runoff rates prior to discharge into Eller Brook. Attenuation would be provided for rainfall events up to the 100 year critical rain storm plus 30% on stored volumes.
68. This would reflect the existing scenario and there would, therefore, be no change to the flood risk upstream or downstream of this location. It is intended that foul sewage from the site would be collected by a piped system and discharged into the public sewer.
69. Under the Flood and Water Management Act 2010 the Lead Local Flood Authority (LLFA) is the responsible 'risk management authority' for managing 'local' flood risk, which refers to flood risk from surface water, groundwater or from ordinary watercourses. The LLFA have reviewed the FRA when it was submitted in support of the previous proposal at this site and raised no objection subject to conditions requiring details of a final surface water sustainable drainage strategy for the site, details of how surface water and pollution prevention would be managed during the construction phase, and a Verification Report and Operation and Maintenance Plan for the lifetime of the development. The LLFA consider that further investigations into the potential for infiltration need to be explored. They also note that the Environment Agency maps detailing areas susceptible to surface water flooding show that there is in fact a substantial surface water flow path from the railway line, across the northern end of the site and along Eller Brook itself. These flow paths should be considered and accounted for within the final drainage strategy, which would be scrutinised by the LLFA to ensure its suitability.
70. A number of concerns have been raised from residents occupying properties to the west of the site with regards to surface water drainage issues on their own land and the impact of the proposed development in relation to water draining off their land and onto the application

site. It would appear that there are historic issues of waterlogging and the pooling of water on land the rear of dwellings facing Westhoughton Road. It is not considered that the proposed development would exacerbate the waterlogging issues experienced on the land and gardens to the west of the site and the proposed development cannot be required to address existing surface water run-off and waterlogging issues arising on land within separate ownership that is not associated with the application site.

#### Ecology

71. The application site comprises extensive areas of hard standing and recently re-vegetated land following previous uses. There is little in the way of semi-natural habitat present and the potential of the site to support any specially protected species is low. The site may be used by more common species moving along the adjacent railway line or associated with nearby gardens, although this use is likely to be transient or for minor foraging activity.
72. An ecological survey, carried out by Tyrer Ecological Consultants Ltd dated May 2021, was submitted in support of the proposed development and has been reviewed by the Council's ecology advisors Greater Manchester Ecology Unit (GMEU). GMEU have confirmed that the survey work was completed by suitably qualified ecologists and appears to have followed best practice guidelines. The findings of the report are, therefore, accepted.
73. Based on the report and the submitted plans, GMEU confirm that the site has no nature conservation designation, legal or otherwise, and no negative impacts on any such sites are anticipated as a result of the proposal. The predominant habitats on the site is hardstanding with areas of woodland, scrub and ephemeral vegetation also present around the perimeter of the site.
74. An existing structure on the site (breeze block shed) had no features with potential to support roosting bats, and one tree was identified with low potential to support roosting bats, which it is not necessary to remove as part of the proposed development. Any external lighting would need to be designed in consideration of nocturnal animals such as bats. Buildings and vegetation on the site are, however, suitable for nesting birds, and the nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Therefore, building demolition and site clearance including tree and vegetation removal should be timed to avoid the main bird nesting season (March – August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.
75. No other evidence of protected species was found on the site, however, there is potential that the site would support species such as hedgehog. As a precaution to prevent the harm of species such as hedgehog, which may occur in the area, the reasonable precautions identified in section 8.11 of the ecology report should be followed during any work on site.
76. Invasive species (rhododendron and Himalayan balsam) were recorded on the site, which are listed on Schedule 9 of the Wildlife and Countryside Act, which makes it an offence to spread these species in the wild. As such no site clearance or vegetation removal should be undertaken until a method statement for the control and prevention of spread of invasive species has been submitted to the Local Planning Authority for approval. Once agreed the method statement should be followed in full.
77. Removal of the woodland/scrub habitat should be kept to a minimum and all retained trees should be protected from any adverse impacts of the proposed development in line with best practice arboriculture advice. Where trees cannot be retained, compensatory planting should be required within a suitable landscaping scheme. Enhancements for biodiversity should be delivered through the scheme and can include provision of bat and bird boxes (either integrated into the new buildings or put up in retained trees on the site). The ecology report provides details of other measures which are also appropriate, and these should be secured through the planning process and incorporated into the scheme where possible, in line with the principles of the Framework.
78. It is not, therefore, considered that the site has substantive nature conservation importance and it is noted that Greater Manchester Ecology Unit do not object to the proposed

development on nature conservation grounds. This development is, therefore, considered to comply with policy BNE 9 of the Chorley Local Plan 2012 - 2026.

#### Community Infrastructure Levy (CIL)

79. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a CIL liable development and any charge would be subject to indexation in accordance with the Council's Charging Schedule.

#### Other matters raised

80. No need for new business units: There is no maximum limit on the number of business and commercial units that can be provided in an area, or on a boroughwide basis. That said, the applicant has provided a justification of the need for the development which is summarised at paragraph 40 of this report.

81. Reduced house values: This is not a planning matter.

82. Inaccurate site plans: The plans are to an accurate and recognised scale.

### **CONCLUSION**

83. Whilst the proposed development would contribute to economic growth within Chorley, providing much sought-after small-scale commercial units, it is considered that it would result in an increased intensity of activity, particularly from vehicles accessing the site with great regularity. This would result in undue noise and disturbance that would be harmful to the amenity of neighbouring residential occupiers contrary to policies EP3, EP4 and BNE1 of the Chorley Local Plan 2012 - 2026. The proposal is, therefore, recommended for refusal.

### **RELEVANT HISTORY OF THE SITE**

**Ref:** 87/00506/FUL                      **Decision:** PERFPP                      **Decision Date:** 14 August 1987  
**Description:** Erection of house and garage

**Ref:** 04/00224/TEL                      **Decision:** WDN                      **Decision Date:** 18 March 2004  
**Description:** Prior notification of siting of 15m lightweight lattice mast with 4 antennae, 2 600mm dishes, radio equipment housing and ancillary development

**Ref:** 06/00593/FUL                      **Decision:** PERFPP                      **Decision Date:** 7 July 2006  
**Description:** Erection of first floor side extension

**Ref:** 18/00191/FUL                      **Decision:** PERFPP                      **Decision Date:** 30 May 2019  
**Description:** Erection of 7no. dwellings and associated works

**Ref:** 20/01053/FULMAJ                      **Decision:** REFFPP                      **Decision Date:** 9 September 2021  
**Description:** Erection of seven buildings comprising light industrial business units

**Ref:** 20/00170/FUL                      **Decision:** PERFPP                      **Decision Date:** 15 June 2020  
**Description:** Erection of 2no. detached bungalows, following the demolition of existing shed

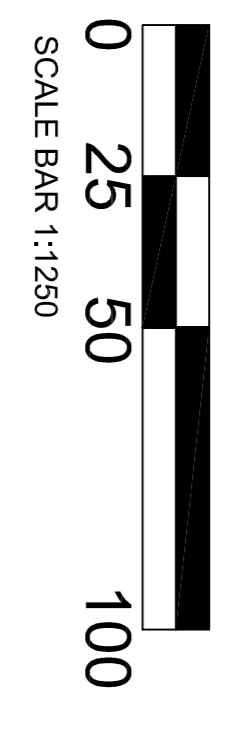
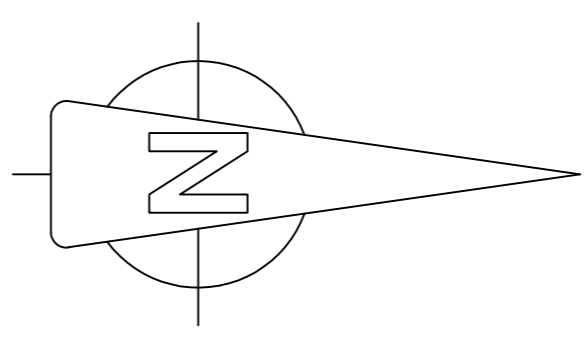
**Ref:** 20/00382/FULHH                      **Decision:** REFFPP                      **Decision Date:** 28 August 2020  
**Description:** Two storey side extension following demolition of conservatory, single storey front extension and reconfiguration of vehicular access

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National

Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

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Revised	Revision note	Date	Signature/Checked
A	1. Drawing issued	16.09.20	
B	1. Red line amended	17.11.20	



**PROPOSED BUSINESS UNITS**  
**LANDING 3 MERCER COURT**  
**HEATH CHARNOCK, PT/A/E**  
 CLIENT: MR E JOYNT  
 DRAWING TITLE: LOCATION PLAN  
 CONSULTANT: 2026-24-41  
 DATE: JUNE 2020  
 SCALE: 1:1250 @ A1  
 REVISION: B  
 DRAWING TYPE: PLANNING  
 RENDONS'S STUDIO, No. 1 Deeny St, Leigh, Lancashire WN7 4PF  
 REGISTERED OFFICE: 25, 26 & 27, PO BOX 42, 25000  
 FIRST FLOOR: 25, 26 & 27, PO BOX 42, 25000  
 EMAIL: info@rendons.co.uk www.rendons.co.uk

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**APPLICATION REPORT – 21/00327/FULMAJ**

**Validation Date: 17 March 2021**

**Ward: Eccleston, Heskin And Charnock Richard**

**Type of Application: Major Full Planning**

**Proposal: Erection of 76no. affordable dwellings with access, parking, landscaping and all other associated works (including pumping station)**

**Location: Land 120M East Of 27 Charter Lane Charnock Richard**

**Case Officer: Mike Halsall**

**Applicant: Conlon Holdings Ltd**

**Agent: Maybern Planning and Development**

**Consultation expiry: 28 December 2021**

**Decision due by: 8 April 2022 (Extension of time agreed)**

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**RECOMMENDATION**

1. It is recommended that planning permission is granted, subject to conditions and a S106 legal agreement to secure the following:
  - A 100% affordable dwelling scheme
  - £45,000 per year, for 5 years, for improvements to bus services
  - £6,000 to enable Lancashire County Council to appraise and monitor a travel plan for the site
  - £286,216 for public open space contributions (£233,016 if privately maintained)
  - £92,247 for four additional secondary school places

**SITE DESCRIPTION**

2. The application site is an area of land located within the settlement boundary of Charnock Richard, approximately 5km to the south west of Chorley town centre. The site extends to approximately 2 hectares. The land is generally flat and at present undeveloped, consisting of fields that appear to be used mainly for the grazing of horses. The land is bounded to the north by Charnock Richard Primary School, to the west by Charter Lane and the houses that front onto Charter Lane, to the south by Charnock Richard Football club and to the east by the rear of properties located on Leeson Avenue. There are several mature trees along the site boundaries, particularly the north and south.
3. Planning permission was refused on 8 March 2017 on a larger site of approximately 3.4 hectares, including the application site and further land to the south, for the erection of up to 60 dwellings (originally proposed for 90), a village shop, community parking, landscaping, provision of public open space, access and associated infrastructure. The application was refused for the following reason:

*The proposed development is contrary to Policy 1 of the Core Strategy. The application site is not within an area that has been identified for growth and investment. The only types of development that would be considered acceptable in smaller villages, such as Charnock Richard, will typically be small scale and limited to appropriate infilling, conversion of*

*buildings and proposals to meet local needs. The proposal does not meet any of these criteria. Insufficient exceptional reasons have been put forward to support a larger scale development scheme.*

#### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks planning permission for 76no. affordable dwellings at the site, along with other infrastructure such as a vehicular site access, parking, landscaping and surface water pumping station. There are proposed to be 10no. 1-bed apartments, 7no. 2-bed bungalows, 25no. 2-bed dwellings, 30no. 3-bed dwellings and 4no. 4-bed dwellings. The maximum height of buildings on site would be two storey at approximately 8.6m to ridge.
5. The proposal has been revised since the original submission as a result of neighbour comments and requests by both the case officer and technical consultees with neighbours and other consultees having been notified of the changes when appropriate. The changes to the scheme have included the following:
  - Amendment to the orientation and design of the apartment units;
  - Retention of more hedgerows and planting more trees;
  - Changes to the positioning of fences and gates;
  - Moving the pumping station away from the site frontage and additional screening proposed to reduce views from the road;
  - The provision of a 2m wide footway across the site frontage; and
  - Changes to the internal road layout.

#### **REPRESENTATIONS**

6. 197no. representations have been received citing the following summarised grounds of objection, some of the 197 are from the same people making multiple representations following being reconsulted on revised plans:

##### *Principle of development*

- There are other designated areas for building within Chorley, why squeeze more buildings into an established rural area
- Nothing has changed since the previous refusal on this site
- The site is only suitable for infill or small development
- Houses on the new village are still being built, with infrastructure and schools etc.
- There is existing affordable housing all over the Borough that requires modernising and developing where they stand currently
- There must be more suitable brownfield sites for development
- The scale of development is grossly disproportionate to the size of the village
- No requirement for these properties with the need resulting from a flawed local plan for Lancashire
- Chorley housing targets should be more fairly spread across the Borough
- The Chorley local plan has not allocated this site for development up to and including 2026 and there are no exceptional circumstances for this land to be developed
- Reference to conflict with policies HS8 and BNE1 of the Local Plan and Core Strategy policy 1 – the proposal is not small scale nor an exceptional site and is not of an appropriate scale or massing
- Lack of evidence for this level of affordable housing in Charnock Richard
- The number of affordable houses may lead to households from outside the Parish being housed in Charnock Richard. Delivery of large numbers of affordable properties at one time can mean for many of the properties there is no local demand, and therefore this adds to future need
- The Inspector at the Local Plan examination concluded that allocating this site would make the Plan unsound
- The site is not in a sustainable location

- Reference to recent court and appeal decisions, including [Gladman Developments Limited v Sec of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council [2021 EWCA Civ 104] where the decision discussed that a lack of a 5 year housing land supply does not make all development plan policies out of date.
- The applicant has stated that the housing policies in the Core Strategy and Local Plan are out-of-date. The recent appeal decision for Pear Tree Lane in Euxton found that Policy 1 of the Core Strategy is not out of date, as it does not unreasonably constrain the ability of the Borough to accommodate its standard method housing requirement.
- The application site was considered by the Council during the preparation of the Local Plan; however, it was not allocated as it is not within a settlement considered to be suitable for growth under Policy 1 of the Core Strategy, and an assessment of the site found that it was not located in a sustainable location. A detailed assessment of the site has shown that distances to a railway station, service centre, supermarket and a GP surgery are all over 3km. It is over 5km to a further/higher educational establishment, and over 10km to an NHS hospital. Bus service frequency is less than 1 an hour in each direction, resulting in a significant number of car journeys to allow any future residents of the proposed development access to these key services.
- The Inspector at the Local Plan examination concluded that allocation of this site would be inconsistent with the development plan and would make the Plan unsound. It is not in a sustainable location, nor is there a need in the village for such a large-scale development. If the site wasn't suitable for allocation and development then, there is no reason why this has changed, and the applicant certainly hasn't demonstrated this as part of his submission.
- The applicant is arguing that there is conflict and inconsistency between Policy 1 of the Core Strategy and Policy V2 of the Local Plan. However, this is not the case – both have the underlying principles of sustainable and appropriate development. Policy 1 sets out the hierarchy of settlements with most growth and investment being centred on the sustainable settlements. Policy V2 allows for sustainable development. The Core Strategy Inspector found this approach to be sound, stating “The Local Plan is clear in terms of its vision and proposals. It ensures an appropriate scale of development in accordance with the existing or proposed size of the settlement”.

#### *Infrastructure*

- Charnock Richard has no shop, no post office, no doctors, no chemist, no dentist, only three pubs/restaurants, one small park and public transport is limited
- The local schools are full
- The village is full and cannot sustain more dwellings
- People would not want to move here due to the lack of infrastructure
- Local drains, sewer system, electrical infrastructure, internet is already at full capacity
- The Transport Assessment notes facilities in walking / cycling distance but the terrain is hilly in every direction making it impossible for anyone with ill health or disabilities
- Conflict with Central Lancashire Affordable Housing (SPD) – no local need and lack of services

#### *Amenity*

- Residents bordering the site would be overlooked, suffering a loss of privacy
- The land floods and so pilings would likely be required – the noise and damage from vibrations would be unacceptable
- Light pollution, dust and mud
- Harm to mental health with lack of sleep due to noise

#### *Highway safety*

- Roads not suitable to support the rise in traffic
- Charter Lane is busy and dangerous as is used as a cut-through to A49 and contains a school, nursery, housing for the elderly, football /cricket pitch, scout hut etc.

- Dangerous for the school children attending the school – Christ Church
- Difficult to navigate Charter Lane at school drop-off and pick-up times and on football / cricket match days, scout hut usage – narrow road with cars parked – dangerous for drivers and pedestrians
- The railway bridge on Church Lane has no footpath and is narrow – greater danger to pedestrians
- The roads are crumbling
- Chorley Lane is a dangerous through route from towns / villages to the south/west of Chorley to and from the motorway junctions at Hartwood and Blackrod
- Vehicles speed through the village
- Parked cars already block access to resident's properties
- The Transport Assessment underestimates the number of additional vehicle movements
- There is a very weak bridge on Chorley Lane
- Poor visibility at entry/exit points on Church Lane and Chorley Lane
- Roads are not suitable for large plant / construction traffic
- Dangerous for horse riders
- Dangerous for wheelchair users
- Conflict with paragraph 108 of the NPPF regarding transport capacity and congestion
- Traffic surveys were undertaken when the school was closed

#### *Ecology and landscape*

- The site is a haven for many types of wildlife and should remain so
- The land is frequented by 4/5 fallow deer, owls, pheasants, squirrels, doves, foxes, buzzards, hedgehogs, great crested newts, water vole, newts, heron, frogs, multiple species of birds and insects and salamander and should remain wild
- There are a number of ancient oak trees on this land
- Large scale building across Chorley over past 15 years has destroyed much of the habitat and animals
- Why can't the land be used to plant trees and restore ponds
- Insufficient ecology surveys

#### *Other issues*

- Increased flood risk
- The proposal would erode the rural / village character of the area
- Should this application be approved, a further application would likely be submitted for developing adjacent land
- Reduction in property value
- Land and air pollution
- Houses are too small and crammed together
- Will the pumping station accommodate the new buildings, given existing drainage problems
- Urban sprawl has been happening over past 48 years in the village
- Attracting rats and pests
- Increase in crime
- The village already supports a substantial level of affordable housing
- Children hanging around the village
- Parked cars get damaged due to narrow roads
- Minimal weight should be given to the emerging plan
- Hint of a Roman Road traversing the site
- Proposed ponds would be dangerous due the proximity to the school and scout group
- The amendments to the scheme do not overcome the concerns expressed by residents to the initial submission
- Land ownership issues – hedges and trees to boundaries belonging to neighbouring landowners

**CONSULTATIONS**

7. Charnock Richard Parish Council: Have responded to the initial consultation in objection to the proposal, as follows:

- The Parish Council are very concerned about the number of houses proposed as, Planning Policy 1(f) of the Core Strategy only allows for “small developments” or “infill” development in Charnock Richard. Proposals for 76 homes cannot be considered a small development;
- This application is for more dwellings on only part of the site contained within a previous application, which was refused as being contrary to Policy 1 above. If 60 dwellings were considered too many by the Planning Committee in 2017, and there have been no material changes in the site or to the surrounding infrastructure since that date, then 76 dwellings must similarly be too many;
- The Council are extremely concerned about the highway safety implications of the proposal. The existing road infrastructure is incapable of supporting a development of 76 additional homes. Taking an average of 2.4 cars per household this would amount to an additional 180+ cars and in excess of 360+ vehicular movements per day in and out of the site. Charter Lane, at only 5.5 metres wide, is not suitable as an access road and the lack of pavement/footway on one side of the road means additional footfall on this route would be very limited;
- The junctions of Charter Lane/Chorley Lane and Charter Lane/Church Lane have not been constructed to deal with this significant increase in vehicular movements without seriously compromising highway safety for pedestrians and road users. The Charter Lane/ Chorley Lane junction is completely inadequate to support this size of development. The sightlines are restricted and, there is no land available to increase the visibility splay to accommodate the additional number of vehicular movements created by a development of 76 homes. Similarly, the Charter Lane/Church Lane junction sightlines are restricted, often by parked cars associated with children attending the Primary School on Church Lane, and again it is difficult to see how this access could be altered to service the number of cars associated with a development of 76 homes;
- The Parish Council do not believe that this is a sustainable development and that there is a significant lack of infrastructure in Charnock Richard to support this development. There are no shops, no doctors surgery, no dentist or pharmacy and with very limited public transport links connectivity to these services is extremely difficult;
- There are no school places available in Charnock Richard and neighbouring Parish schools are all fully subscribed;
- There are already significant parking problems in the village, and in particular on Charter Lane and Church Lane at school opening and closing times which would be significantly exacerbated by the addition of 76 dwellings on this site;
- There is no gas supply to the site because this area is off grid; this could therefore result in a surge in demand for electricity to the site which could detrimentally affect neighbouring properties and the village in general
- There is a significant risk of increased flooding to neighbouring homes and gardens on Charter Lane and Leeson Avenue, despite the inclusion of a pumping station and, it is questionable whether the existing sewerage system would be able to cope with the increase demand resulting from this development. There is concern that during significant rainfall the pumping station would not be adequate and that the water discharged is going into an already struggling and full to capacity drainage system in the village resulting in increased flooding;
- Concerns raised in relation to the environmental impact the proposals would have on wildlife in the area as the land in question is currently a valuable feeding ground for barn owls and, a recent site survey has shown the ponds on the land are inhabited by great crested newts. The land also offers a valuable habitat for hedgehogs, foxes and grazing deer;
- The Parish Council believe that a full public consultation should have been undertaken by the applicant prior to submitting this application as the proposals will have a significant detrimental impact on the whole village, the roads, the utilities, highway safety and the demand for school places;

- The Parish Council are extremely concerned that this application may be Phase I and that they may be faced with further development of the remainder of the site in the future;
- The Parish Council do not believe there is a proven need for 76 affordable dwellings in Charnock Richard.

Charnock Richard Parish Council have also responded to the revised plans, much of which repeated their initial response, but also identified the following:

- The Parish Council strongly objects to these proposals.
  - Parking and traffic problems are already major issues at peak times and school times but also at weekends when the Football Club training and matches take place. In addition it is believed that parked cars on Charter Lane will obstruct sightlines for those motorists exiting the proposed development site, again compromising the safety of road users and pedestrians.
  - Furthermore, a full Ecological Survey should be undertaken to assess the impact of the proposals on this land and in the village.
  - Therefore, taking all these factors into account the Parish Council strongly objects to the proposals for this site which would constitute inappropriate development in Charnock Richard contrary to Planning Policy in the Core Strategy. There is no proven or evidential need at this time, or indeed going forward, for 76 affordable dwellings in Charnock Richard, nor on this site.
8. Police Designing Out Crime Officer: Have recommended a number of security recommendation to prevent crime and disorder.
  9. Environment Agency: Have advised that they have no comments to make on this application as it is outside the development types listed in the Environment Agency's External Checklist.
  10. Lancashire County Council Archaeology Service: Have advised that should the Local Planning Authority be minded to grant planning permission to this or any other scheme, they recommend a programme of archaeological work. This should be carried out prior to any development of the site and secured by means of a condition.
  11. Lancashire County Council Highway Services (LCC Highway Services): Initially responded to request on and off-site improvements be made as part of the proposal. Following the submission of revised drawings and the applicant's agreement to the proposed changes and improvements, LCC Highway Services have responded with no objection to the proposal, subject to conditions. Further details can be found later in this report.
  12. Greater Manchester Ecology Unit: Have suggested conditions relating to protection of amphibians (newts), nesting birds and bats. They have also requested that further ecological enhancement measures are provided which resulted in the applicant amending the proposal to retain hedgerows and provide additional planting. Further details are provided later in this report.
  13. Regulatory Services - Environmental Health Officer: Have confirmed that they have no objections in principle to the application but have recommended that electric vehicle charging points be provided at the properties.
  14. Waste & Contaminated Land Officer: Have confirmed that they have no objection to the proposal, subject to conditions requiring ground contamination investigations to take place prior to the commencement of development.
  15. Lead Local Flood Authority: Have responded with no objection to the proposal, subject to conditions, as detailed later within this report.
  16. United Utilities: Have responded with no objection to the proposal, subject to conditions, as detailed later within this report.



17. Lancashire Fire and Rescue Service: No comments have been received.
18. Lancashire County Council (Education): Have responded to state that, based on current approvals, a primary education contribution is not required. Latest projections for the local secondary schools show there to be a shortfall of places in 5 years' time. Therefore, the Local Education Authority are seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 4 places. Further details of this calculation are provided later in this report. The response from LCC Education was provided in September 2021 and so an updated position has been requested by the case officer. Any update will be provided in the committee addendum report.
19. NHS: No comments have been received.

## **PLANNING CONSIDERATIONS**

### Principle of development

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
21. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
22. The proposal is located within the settlement of Charnock Richard as covered by Local Plan Policy V2 where there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within this Plan.
23. The Central Lancashire Core Strategy was adopted in July 2012 and covers the three neighbouring authorities of Chorley, South Ribble and Preston. The three authorities are a single Housing Market Area (HMA).
24. Core Strategy Policy 1 sets out the locations for growth and investment across Central Lancashire. Charnock Richard is not identified as a Rural Local Service Centre, therefore, criterion (f) is applicable. Under this criterion, development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.
25. The proposed development of 76no. dwellings is not considered to be small scale. The proposal is also not redevelopment, therefore, the proposal does not accord with the development plan strategy for the area and is contrary to criterion (f) of Policy 1 of the Core Strategy.
26. Core Strategy Policy 4 sets out the minimum housing requirements for the plan area and is assessed later within this report.

### Other material considerations

27. The National Planning Policy Framework (the Framework) is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). There are three objectives to sustainable development set out at paragraph 8 and it is fundamental that development strikes the correct balance between:
  - Environmental - the protection of our natural, built and historic environment
  - Economic - the contribution to building a strong and competitive economy
  - Social - supporting strong, vibrant and healthy communities

28. Paragraph 10 of the Framework states that; so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
29. Paragraph 11 of the Framework states for decision-taking this means:
  - c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - a. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - b. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
30. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
31. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
32. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
33. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.

#### Housing land supply

34. The following planning appeal decisions are of relevance.

#### **Land adjacent to Blainscough Hall, Blainscough Lane, Coppull Decision APP/D2320/W/21/3275691**

35. On the 3 February 2022 a decision was issued for the appeal for Land adjacent to Blainscough Hall, Blainscough Lane, Coppull. The appeal was allowed and outline planning permission was granted for the erection of up to 123 dwellings (including 30% affordable housing) with public open space provision, structural planting and landscaping and vehicular access points from Grange Drive.
36. The main issues in the appeal were:
  - Whether or not the Council can demonstrate a 5 year supply of deliverable housing land, having particular regard to the development plan, relevant national policy and guidance, the housing need or requirement in Chorley and the deliverability of the housing land supply;
  - Whether or not the most important policies of the development plan for determining the appeal are out of date, having particular regard to the 5 year housing land supply position and relevant national policy;
  - Whether this, or any other material consideration, would justify the proposed development on safeguarded land at this time.
  - Whether or not there are adequate secondary school places to serve the development.

37. In respect of the Housing Requirement in Chorley:
38. The Decision Letter includes an assessment of Core Strategy policy 4 (which sets out the minimum housing requirements for the plan area) in the context of Paragraph 74 of the Framework, and whether the policy has been reviewed and found not to require updating. It also considers whether the introduction of the standard method in itself represents a significant change in circumstances that renders Core Strategy policy 4 out of date with reference to the PPG (paragraph 062).
39. The Decision Letter concludes that it is appropriate to calculate the housing requirement against local housing need using the standard method due to the significant difference between the local housing need figure and the housing requirement in policy 4 amounting to a significant change in circumstances which renders Policy 4 out of date.
40. With regards to the appropriate housing requirement figure to use when calculating the housing land supply position of the authority, the Blainscough Hall Inspector, therefore, sets out that the standard method should be used. Applying this to the Council's current supply results in a housing land supply position between 2.4 and 2.6 years.
41. The Inspector concluded that as such the Council can no longer demonstrate a 5-year supply of housing land meaning that the tilted balance, and presumption in favour of sustainable development was, therefore, engaged under paragraph 11(d) of the Framework.

**Land to the East of Tincklers Lane, Tincklers Lane, Ecclestone PR7 5QY Appeal A Ref: APP/D2320/W/21/3272310**

**Land to the North of Town Lane, Town Lane, Whittle-Le-Woods PR6 8AG Appeal B Ref: APP/D2320/W/21/3272314**

42. On the 18 February 2022 decisions were issued for the above appeals. Appeal A was allowed and outline planning permission was granted for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. Appeal B was dismissed on grounds of highway safety.
43. The main issues in the appeals were:
  - Appeal A: Whether or not the proposal integrates satisfactorily with the surrounding area with particular regard to patterns of movement and connectivity Appeal B: The effect of the proposal on highway safety including accessibility of the appeal site.
  - Whether or not the Council is able to demonstrate a five-year supply of housing land;
  - Whether or not the most important policies of the development plan are out of date; and,
  - Whether any adverse effects, including conflict with the development plan as a whole, would be outweighed by other material considerations.
44. In respect of housing land supply:
45. The Inspector for the conjoined appeals assessed Core Strategy Policy 4 against Paragraph 74 of the Framework which requires the local planning authority to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their requirement as set out in adopted strategic policies, or against their local housing need when strategic policies are more than five years old. The Core Strategy is more than five years old.
46. The Inspector considered MOU1 to have constituted a review of Core Strategy Policy 4 and was an up-to-date assessment of need at that point in time but that the situation moved on considerably since it was signed.
47. Paragraph 44 of the Inspector's report notes that national guidance indicates local housing need will have considered to have changed significantly where a plan was adopted prior to

the standard method being implemented based on a number that is significantly below the number generated by the standard method. The implications for Chorley would result in an annual requirement of 564 dwellings and the CS figure would be significantly below this. In this instance, Chorley's local housing need has changed significantly.

48. The Inspector noted that the standard method figure is particularly influenced by the level of development in the area between 2009 and 2014 but considers that this does not necessarily render the standard method itself as invalid. Any proposed redistribution of standard method figures for the Central Lancashire authorities, such as MOU2, would need to be considered at an examination.
49. The Inspector considered oversupply and the delivery rates of housing, which was weighted towards the early years of the plan period. However, the requirement in Policy 4 itself is not expressed as an overall amount to be met over the plan period. Policy 4 does not refer to any potential oversupply despite the known potential of Buckshaw Village contributing to growth in Chorley and it clearly states that it is a minimum annual requirement. (paragraph 49)
50. Paragraph 50 of the Inspector's report states the inclusion of oversupply against Policy 4 would reduce the requirement for Chorley to just over 100 dwellings per annum. This would be considerably below anything which has been permitted in previous years in the area and would even be below the redistributed standard method figures for Chorley in MOU2. I consider it would be artificially low and would in greater probability, lead to significantly reducing not only the supply of market housing but also affordable housing within the area. It would thus run counter to the objective of the Framework to boost the supply of housing and to paragraph 74 of the same, which seeks to maintain the supply and delivery of new homes.
51. The Inspector concludes at paragraph 51 of the report that; in the circumstances before me having regard to both MOU1 and MOU2, I conclude that the situation has changed significantly for Chorley in respect of local housing need and that Policy 4 is out of date. The standard method is the appropriate method for calculating housing need in Chorley. It is agreed between the parties that a 5% buffer should be applied. In terms of sites which contribute to the housing land supply within Chorley, there is a very narrow area of dispute between the two main parties which relates to only 2 sites and amounts to 116 dwellings. This is a marginal number that has little effect on the result in respect of the requirement. Accordingly, against the application of the standard method there would be less than three years supply of housing land in Chorley, and I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites.

**Land south of Parr Lane, Eccleston  
Decision APP/D2320/W/21/3284702**

52. On the 17 March 2022 a decision was issued for the appeal for Land south of Parr Lane, Eccleston. The appeal was allowed and outline planning permission was granted for up to 34 dwellings and associated infrastructure on land south of Parr Lane, Eccleston, Lancashire in accordance with the terms of the application, Ref 20/01193/OUTMAJ, dated 4 November 2020, and the plans submitted with it, subject to the conditions.
53. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
54. The Inspector concluded the following with regards to housing land supply:
55. Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse

impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole; the tilted balance.

56. The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.
57. The proposal would provide for up to 34 dwellings of which 35%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.

**Land off Carrington Road, Adlington  
Decision APP/D2320/W/21/3284692**

58. On the 17 March 2022 a decision was issued on the above referenced appeal. The appeal was allowed and outline planning permission was granted for residential development of up to 25 dwellings on land off Carrington Road, Adlington, Lancashire PR7 4JE in accordance with the terms of the application, Ref 20/01200/OUTMAJ, dated 5 November 2020, and the plans submitted with it.
59. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
60. The Inspector concluded the following with regards to housing land supply:
61. Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, the tilted balance.
62. The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.
63. The proposal would provide for up to 25 dwellings of which 30%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.

Summary - the tilted balance

64. Paragraph 11 d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
65. Policies 1 and 4 of the Central Lancashire Core Strategy are the most important policies for determining the planning application.
66. At 1 April 2021 there was a total supply of 1,504 (net) deliverable dwellings which is a 2.7 year deliverable housing supply over the period 2021 – 2026 based on the annual housing requirement of 547 dwellings which includes a 5% buffer. Chorley does not have a five-year deliverable supply of housing plus 5% buffer and the shortfall is significant. Significant weight should therefore be attached to the delivery of housing provided by this proposal and that it is proposed to be a 100% affordable housing scheme.
67. In light of the above, Policy 4 of the Core Strategy is out of date and the tilted balance is, therefore, engaged.
68. The High Court decision [Gladman Developments Limited v Sec of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council [2021 EWCA Civ 104] concerned the application of para 11d of the Framework and the tilted balance. In particular, the effect of footnote 7 in this case, where there was not a five year housing land supply, was simply to trigger paragraph 11(d) and that it did not necessarily render all policies out of date. It was noted that where 11(d) is triggered due to the housing land supply position it is for the decision maker to decide how much weight should be given to the policies of the development plan including the most important policies and involve consideration whether or not the policies are in substance out of date and if so for what reasons.
69. Policy 1 of the Core Strategy sets out the settlement strategy for the area and is not out of date. That said, the Council cannot demonstrate an adequate supply of housing and the shortfall is significant. Policy 1 of the Core Strategy therefore forms part of a strategy which is failing to deliver a sufficient level of housing. As such, the policy should only be afforded moderate weight in the planning balance.
70. In accordance with the Framework, planning permission should be granted for the proposal, unless:
  - c. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - d. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Emerging Central Lancashire Local Plan

71. Once adopted, the Central Lancashire Local Plan (CLLP) will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at an early stage of preparation and consultation on Issues and Options closed in February 2020.
72. The application site is part of a wider site (19C236x: Charter Lane) put forward for consideration for housing use as part of the CLLP Issues and Options consultation. A report on the Outcomes of the Issues and Options consultation is available on the CLLP website, although no specific comments were received in relation to 19C236x
73. As set out above, the existing Core Strategy Policy 1: Locating Growth sets out the locations where growth and investment will be concentrated across Central Lancashire. The emerging CLLP will look at the distribution of new homes and the CLLP will be informed by

an evidence base including a Housing Need and Demand Study, the results of which will also help to inform the future distribution of housing across the Plan area.

#### Central Lancashire Local Plan: Site Assessment work

74. Three call for sites exercises have been completed to date for the CLLP. The results from Call for sites 1 and 2 were consulted on as part of the Issues and Options Consultation which ran between November 2019 and Feb 2020, during this time, a further window was opened for addition site suggestions (Call for sites 3).
75. Work to assess the sites commenced in February 2021 following completion of Level 1 Strategic Flood Risk Assessment (SFRA). This was undertaken in line with Strategic Housing and Economic Land Availability Assessment (SHELAA) methodology.
76. Officers in Chorley, South Ribble and Preston Councils finished their initial assessment of the sites in January 2021, and their findings were collated by the CLLP Team into the SHELAA database. This work will also include undertaking Integrated Assessment (IA) and Habitats Regulation assessment (HRA) and viability assessment of the sites, and will bring in findings of the SFRA as well as consultation responses on the specific sites from Statutory Consultees and local residents.
77. The direction of growth and development of a spatial strategy for the area is also in early development, with the Councils starting to look at the level of growth likely to be needed over the plan period and how the plan should look to direct this. There is still work to be done on this, including testing the emerging options in terms of transport and other infrastructure needs as they develop.
78. It is important to note that until all these stages of work have been completed, no decision on sites to be taken forward through the CLLP can be made.
79. The applicant considers the proposal to be in a sustainable location and has identified several planning benefits of the proposed development.

#### Impact on ecological interests

80. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species. The policy also requires, among other things, that where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs. The policy is considered to be consistent with the Framework and should be attributed full weight.

#### Protected species – great crested newts

81. Great crested newts have been recorded from a pond in the north eastern corner of this application site and from the wider landscape in previous years. Surveys in 2020 did not record the species as being present, but very low populations of newts can be very difficult to detect. Single-date eDNA sampling may not pick up signs of great crested newts if very few newts are present, particularly if the water samples were collected early or late in the survey season, as was the case for this site. In fact the samples were taken on 30 June, the last date which Natural England recommend for sampling. If newts were present for breeding early in the season, and there were very few newts present, eDNA sampling carried out this late could be unreliable. Comments from local people note that great crested newts may still be present on the site.
82. The Council's ecology advisor recommends that for the above reasons the newt population should be given the benefit of the doubt and it should be assumed that they may be present

as a precautionary position. However, the available evidence does indicate that the newt population in the area is small, even if great crested newts remain present, and in general the dominant habitats present on the application site itself are sub-optimal for use as terrestrial habitat by amphibians. The pond on the site appears to have deteriorated since previous surveys were carried out in 2015-16. However, the site is still suitable for amphibians, and although the pond on site is shown as being retained and improved, other habitats on the site have some value for newts; the boundary habitats in particular provide terrestrial habitat and landscape connectivity of use to amphibians.

83. A Method Statement for the protection of amphibians has been supplied as part of the Ecology Survey and Assessment Report prepared by ERAP (section 5.4). Notwithstanding their comments on habitat loss the ecology advisor regards this as a reasonable precautionary approach to take regarding newts and they recommend that this Method Statement is required to be implemented by a condition placed on any permission which may be granted to the scheme. They would also advise the applicant that if it is suspected that a great crested newt has been found at any time during any approved development of the site, work must stop and a suitably qualified person must be contacted immediately for further assistance.

#### Habitat loss

84. The application site is not designated for its nature conservation importance; the site is mostly dominated by relatively species-poor agricultural grassland. However, there are some habitats of local value present, including a pond, hedgerows, trees and ditches. These habitats will support birds, small mammals and amphibians. Concern was expressed in relation to the initial planning submission about the losses to habitats, and to boundary trees and hedgerows in particular, which the development would have caused, particularly along the northern boundary and the boundary with Charter Lane. Losses to boundary habitats would cause direct habitat loss, habitat fragmentation and loss of species movement corridors. The applicant has revised the proposal to retain more hedgerow and plant more trees and whilst the proposal would still lead to a slight net loss in local biodiversity, there is currently no statutory requirement to provide a net gain in biodiversity until the contents of the Environment Act 2021 are transposed into planning law. The loss is not considered to be significant. As such, the proposal is considered to be acceptable in this regard.

#### Protection of nesting birds

85. The ecology advisor recommends that no tree felling or vegetation clearance that may be required by the scheme should take place during the optimum period for bird nesting ((March to August inclusive). All nesting birds their eggs and young are specially protected under the terms of the wildlife and Countryside Act 1981 (as amended). This can be controlled through a planning condition.

#### Protection of bats

86. If trees identified as having possible potential to support bat roosts need to be removed to facilitate the scheme, further survey of these trees for bats should be carried out prior to felling. If the scheme is approved a sensitive lighting plan should be prepared which avoids light spill as far as possible. These can also be controlled through a planning condition.

#### Protection of other mammals

87. The Council's ecology advisor states they are aware of reports of deer using the site. Deer are not specially protected, although precautions should be taken to avoid possible threats to animal welfare which the scheme may cause. As already stated, consideration should be given to the retention or replacement of landscape corridors on and close to the site to aid species movement. In relation to deer, if permission is granted to the development fencing should not be erected until large mammals have been given the opportunity to leave the site, to avoid them becoming trapped in any construction works.



Invasive plants

88. Invasive Himalayan Balsam has been found on part of the site and care must be taken to avoid the potential spread of this invasive plant during the course of any development. Efforts should be made to eradicate the plant and this matter can also be controlled by a planning condition.

Ecology summary

89. The proposal is considered to be acceptable in terms of its impacts upon ecological receptors, subject to conditions to safeguard protected species and the implementation of the submitted landscaping scheme. The applicant has enhanced the landscaping proposals since the original submission and whilst there would be a net loss in the biodiversity value of the site, this is considered to be minimal and not of a scale to warrant the refusal of the application.

Impacts upon designated heritage assets

90. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) sets out the principal duty that a Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Great weight and importance is attached to this duty.
91. The National Planning Policy Framework 2021 (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. It recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The following paragraphs contained therein are considered to be pertinent in this case:
92. The Framework at paragraph 197 states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
93. At paragraph 199 the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
94. At paragraph 200 the Framework confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
95. Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and

- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
96. At paragraph 202 the Framework provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
97. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:
- a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
  - b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.
  - c) Identifying and adopting a local list of heritage assets for each Authority.
98. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:
- a) Applications affecting a Heritage Asset or its setting will be granted where it:
    - i. Is in accordance with the Framework and relevant Historic England guidance;
    - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
    - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;
  - b) Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following:
    - i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
    - ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
    - iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;
    - iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment;
    - v. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;
    - vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.
99. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances which have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.

### Assessment

100. The site lies approximately 100-130m south of two listed buildings. The Charnock Richard C of E primary School and attached Masters house (1858) and the adjacent Frances Darlington Court and Chapel buildings which both sit on the corner of Charter Lane and Church Lane. Therefore, key heritage issue is whether the proposal would harm the setting of these grade II listed buildings.
101. In relation to setting, Historic England's advice is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets. This describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access. Whilst setting is often expressed by reference to visual considerations it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated. This definition is largely mirrored in the Framework glossary.
102. The two designated assets lie to the north of the site between 100-130m away separated by a school playing field and are largely screened from view by trees and hedges which enclose the immediate, well defined curtilage. Development on the site would not be viewed in the same context as the two listed buildings and their enclosed setting will not be harmed by the proposed housing development.
103. Map regression does not reveal any historic association between the school building and Almshouses to the land. Due to the distance separation no other heritage assets are affected by the proposal.
104. It is not considered that the application site contributes any significant level of significance to the listed buildings and can be considered, for the basis of this assessment, to be of neutral value. Subsequently, the proposal would have no impact on the contribution made by the setting on the significance of either of the heritage assets.
105. The proposal would meet the statutory test 'to preserve' and would cause no discernible harm to the setting and significance of the designated listed buildings identified above. Therefore, no balancing exercise is required as per paragraph 196 of the Framework. As such, the proposal meets the objectives of Chapter 16 of the Framework and accords with policy 16 of the Core Strategy and policy BNE 8 of the Chorley Local Plan 2012 - 2026.

### Archaeology

106. The Archaeology Assessment which accompanies the current planning application concludes (Section 7.2, p.18) that there is a potential for archaeological deposits from the prehistoric and Roman periods to be encountered by the development, and are broadly in line with those reached by the former Lancashire Archaeological Advisory Service (14/07/2016) in reply to planning application 16/00510/OUTMAJ. LAAS went on to advise that it would be appropriate for a phase of field evaluation to be undertaken and that a scheme of archaeological work be undertaken as part of the development.
107. It was envisaged that a first phase of work should include geophysical surveying and trial trenching, with any subsequent phase or phases of work designed to address the issues revealed by the previous stage of investigations. The Historic Environment Team sees no reason to amend the advice offered by LAAS, and consequently should the Local Planning Authority be minded to grant planning permission to this or any other scheme, would recommend a programme of archaeological work. This should be carried out prior to any development of the site and secured by condition.

### Impact on trees

108. An Arboricultural Impact Assessment (AIA) accompanies the application. It details that it would be necessary to remove 9no. individual trees, 12no. groups and 1no. part group to

implement the development. These are all Category C trees (defined under the British Standard as those of low quality). It is accepted that all the trees to be removed are Category C trees (i.e. low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm) and the Council would not as a result be able to justify protecting such trees with a Tree Preservation Order.

109. The AIA also recommends there are a further 3no. individual trees and 1no. group that should be removed regardless of the development for tree management reasons, which is accepted.
110. Some of the proposed footpaths and boundary fencing would be within the root protection areas and canopies of 7no. trees and special working and/or construction methods along with special protection measure would need to be undertaken. This could be controlled by a planning condition. The proposal includes for the planting of over 60no. trees as part of the landscaping scheme. The proposal is considered to be acceptable in this regard.

#### Highway safety

111. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction. The policy is considered to be consistent with the Framework and should be attributed full weight.
112. Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and /or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail, educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.
113. Highway safety and access issues have been the main concern expressed by residents during the consultation period. Lancashire County Council is the Local Highway Authority that manages and maintains the highway network in Lancashire and promotes safe travel and developments in accessible and sustainable locations within the county. As such, at certain stages in the planning process Chorley Council formally seeks the views of the County Council as a statutory consultee to assist in making an informed decision about proposed development. The following summarises comments received from LCC Highway Services.

#### *Existing site information*

114. The site is an existing grass field fronted by Charter Lane and bounded to the east by residential houses, partially by residential houses and a field to the south; and the Christ Church Charnock Richard CE Primary School to the north. The site is currently accessed from Charter Lane via a field gate. The Charnock Richard Football and Cricket Grounds are located approximately 400m of the site to the south.
115. There is footway on the east side of Charter Lane, but it is less than the required minimum width of 2.0m. On the west side of the road, there is no footway except at its junction with Church Lane, where footway is provided for approximately 30m. There are existing 'No-Waiting at Anytime' restrictions in force around the radii of Church Lane/Charter Lane extending into Charter Lane for respective distances of approximately 30m and 15m on the east and west sides.

116. There are two Public Rights of Way (PROW) near the site. PROW-FP18 is to the east connecting Church Lane and Chorley Lane, while PROW-FP16 lies to the west of the site and connects Preston Road and Chorley Lane.
117. Cycle routes are within 5km distance of the site on Yarrow Valley Way in the east and the A49 in the south. PROW-FP18 is a proposed cycle route.
118. Chorley Lane is the only bus route in the area with public services. Charter Lane and the section of the A49 from Mill Lane in the south to Church Lane in the north are not bus routes. Although Church Lane is a bus route, only school services are currently operated.
119. There is street lighting on Charter Lane, however, the existing provision would require improvements/upgrade to current standards, the design brief of which LCC Highways will provide the applicant as part of s278 agreement.

*Local highway network*

120. Charter Lane has an average carriageway width of 5.5m and provides a link between Church Lane and Chorley Lane, both of which extend from Preston Road in the west to Dob Brow in the east. Charter Lane, Church Lane and Chorley Lane are single 2-way roads with 30mph speed limits, but the 40mph speed limit on Preston Road is extended into Chorley Lane for approximately 480m.
121. The west side of Charter Lane is predominantly a vegetation buffer for an adjacent golf course, but in addition to residential houses, there are facilities such as a beauty salon, pre-school, scouts and guides headquarters building, sports pavilion, recreation grounds and football and cricket grounds with associated car park on Charter Lane.
122. Sightlines at the junctions of Charter Lane with Church Lane and Chorley Lane are partially obscured by existing third-party structures and hedges; and while the junctions appear to be operating under current conditions with no traffic collisions from the available most recent 5-year record, this may change with the increased traffic movements associated with the proposed development. Improvements would, therefore, be required to ensure the junctions can continue to be used safely.
123. There is street lighting on Charter Lane, however, the existing provision would require improvements/upgrade to current standards, the design brief of which LCC Highways will provide the applicant as part of s278 agreement.

*Existing traffic condition*

124. In the original application submission, no new traffic surveys were carried out to establish the existing traffic situation, instead, data from traffic surveys conducted in relation to the 2016 refused application were used to assess the impact of the proposed development. The traffic surveys carried out on 23 February 2016 identified the weekday AM and PM peaks as 08:00-09:00 and 16:30-17:30 respectively. The 2016 surveyed flows are shown in Figures 1 and 2 of the TA. Following the recent meeting with LCC Highways, the applicant conducted a 7-day automatic traffic survey from 16-23 July 2021 on Chorley Lane and Church Lane to establish the 85th percentile speeds of traffic approaching their junctions with Charter Lane for use to determine visibility splay requirements.

*Existing traffic condition*

125. The most recent available 5-year accident record of the area from 2016-2020 shows there were 4 slight personal injury traffic accidents at Preston Road/Church Lane, one of which involved a pedal cyclist. A slight personal injury accident each were recorded outside the pre-school on Charter Lane involving a motorcyclist and on Church Lane outside no. 54. There was also a single serious personal injury accident at Dob Brow/Sharratt's Path to the east involving a motorcyclist. The 7 accidents are more than the total of 4 analysed in the TA for the same studied area.

*Access*

126. The development is to be accessed from Charter Lane via a new 5.5m wide access with 6m corner radii located between 17 Charter Lane and the scouts and guides headquarters building. The speed limit of Charter Lane is 30mph, but an automatic traffic count conducted by LCC Highway Services in 2017 found the 85th percentile speeds to be 37mph (northbound) and 35mph (southbound), as such, visibility splays of 2.4m x 58.0m (north) and 2.4m x 53.0m (south) will be required at the proposed site access.
127. The submitted plans have been revised to show the required visibility splays.

*Internal layout*

128. The proposed site plan shows a 5.5m wide single access road (reduced to 4.8m width midway) provided through the site and linked by a couple of secondary access roads which are connected internally by shared surfaces. The access roads are to be provided with 2.0m wide footways on both sides. The layout accords with the principle of the Manual for Streets (MfS) and the Lancashire County Council's 'Creating Civilized Streets' as it incorporates adequate horizontal speed reduction measures with turning facilities. Swept path analysis drawings have been amended following submission of the application to demonstrate accessibility by refuse vehicles.
129. The layout will be expected to be provided and constructed to the Lancashire County Council Specification for Construction of Estate Roads to ensure satisfactory access and to be accepted for adoption under the s38 agreement of the Highways Act 1980.

*Parking*

130. It is noted in section 5.5 of the TA that parking would be provided to the Chorley Council Parking Standard.

*Accessibility by non-car modes**Walking*

131. The proposed development is within acceptable walking distance of 1000m of the Christ Church Charnock Richard CE Primary School located on Church Lane. However, it is outside the preferred maximum commuting distance of 2000m to the nearest secondary school, Chorley Southlands High School on Clover Road in the east. The site is not near a Town Centre, but there are some local facilities, including an off licence, hotel, bar/restaurant, public house, and a community centre within preferred walking distance of 1200m.
132. Walking route to local facilities in the area is currently via the existing footway on the east side of Charter Lane, but which as stated above is less than the required minimum width of 2.0m and often obstructed by parked vehicles, particularly during sporting events/training and; school pick-up and drop-off periods which often displaces pedestrians onto the live carriageway. The applicant's own assessment following the recent meeting with LCC Highway Services shows a maximum of 24 vehicles parked on Charter Lane during school drop-off at 09:00, which in distance terms effectively extended from the end of the waiting restrictions outside the pre-school to the proposed site access. Therefore, given the need to "create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles" as required by the Framework, it is considered that the applicant provides a new 2.0m wide footway on the west side of Charter Lane for its full length. In addition, the section of the existing footway in front of the site between 17 Charter Lane and the scouts and guides headquarters building should be widened to 2.0m consistent with the adjacent footways to achieve safe and suitable access to the site for all users.

133. The existing bus stops on Chorley Lane and Church Lane are outside the preferred maximum walking distance of 400m from the centre of the site and although there appears to be potential to provide footpath links to the east, north and especially to the south to connect Leeson Avenue to reduce travel time and walking distance to bus stops in the area, the applicant's assessment shows that none of these would be feasible mainly due to lands surrounding the site being in third-party ownerships. Therefore, as an alternative measure to reduce walking distance from the site to bus stops on Chorley Lane, the applicant proposes to relocate the existing bus stops south west of Chorley Lane/Charter Lane closer to the junction as shown on Plan 1 of the submitted Technical Note. The bus stops are currently approximately 715m walking distance from the centre of the site and relocating them to the positions shown on plan would reduce the walking distance to 560m, which although still outside the recommended 400m walking distance, would be acceptable if the existing footway on the south side of Chorley Lane is extended from its end outside 177 Chorley Lane (Haydocks Farm) to the new bus stops to ensure they can be safely accessed by residents living southwest of Chorley Lane/Charter Lane.

#### *Cycling*

134. There are cycle routes within acceptable 5km cycling distance of the site on Yarrow Valley Way in the east and the A49 in the south providing access to services and facilities in the wider area. The cycle routes include PROW-FP18 and Bridleway- BW34 which are advisory. The cycle routes in the area are not sufficiently interconnected, however, both Chorley and Euxton Balshaw Lane Railway Stations are within the 5km cycling distance of the site. It is therefore considered that there are adequate routes in the area to allow cycling to form part of longer journeys to the site.

#### *Public transport*

135. The nearest bus stops to the site are approximately 715m and 850m walking distances respectively in the south west and north east directions of Chorley Lane/Charter Lane from the centre of the site. As stated above, these are outside the preferred maximum walking distance of 400m. At these bus stops, public day services are provided at 2-hourly intervals by Services 337 (Chorley-Ormskirk) and 347 (Chorley-Southport), Mondays to Fridays and on Saturdays. A maximum of 4 school services are also available at these stops. The 2-hourly public services provided including the non-availability of Sunday services are unsuitable to satisfy the needs of most users and cannot be considered a reasonable sustainable alternative to the private car. There are also no facilities of the high-quality standard required to ensure the bus stops are disability compliant, safe and attractive to use. Therefore, given the need for the proposed development to promote use of public transport, improvements will be required to public transport services and infrastructure in the area to support the development and enhance the link to Chorley Town Centre and the wider area.

#### *Public transport service*

136. The current local bus Service 337/347 through Charnock Richard is fully funded by Lancashire County Council and it would not be possible for this bus to directly serve the development, via Charter Lane, as this would result in other areas having their services withdrawn. The sustainable option would therefore be to ensure bus stop infrastructure is realigned to better serve the development and the wider community. As an appropriate and sustainable option, it is considered that the applicant provides funding to enhance the existing service provision.

#### *Public transport infrastructure*

137. To support the development, there would be a need to formalise and possibly relocate the 4 existing nearest bus stops to the site on Chorley Lane to facilitate improved pedestrian links to the development. The bus stops are to be made fully EA compliant in line with LCC's standard design to include raised kerbs and boarding areas, bus stop bay and worded

markings, clearways etc. with the installation of new bus shelter on the nearest Chorley bound bus stops.

#### *Train*

138. Chorley and Euxton Balshaw Lane railway stations are within acceptable commuting distance of the site. Both stations have cycle storage and assisted travel facilities with frequent and regular train services to various destinations, as such, it is considered that there is potential for train journeys to be combined with other sustainable transport modes when travelling to the site.

#### *TRAFFIC FORECASTING*

139. The TA predicts the demand associated with the proposed development and derived future year traffic flows for use to assess the impact of the proposed development.

#### *Traffic Flows*

140. As stated above, no new survey of traffic flows were conducted. Instead, the results of 2016 survey for the above observed peaks carried out at Chorley Lane/Charter Lane and Church Lane/Charter Lane were used.

#### *Assessment years and traffic growth*

141. The assessment was carried out for the application year of 2021 and future year of 2026. The 2016 surveyed flows were factored to the 2021 and 2026 assessment years using TEMPRO, adjusted by NTM. The growth factors used are in Table 6.1, para, 6.3.4 of the TA and the resulting 2021 AM and PM growthed flows are in Figures 3 and 4. For the future year of 2026, the growthed flows are in Figures 5 and 6 of the TA. The figures as presented are generally accurate.

#### *Trip generation*

142. The applicant proposes the same TRICS based trip rates used for the refused application, which was originally based on 90 residential units, the potential village shop and community parking before being reduced to 60 dwellings. In that assessment, the trip rates were considered acceptable by LCC Highway Services and the proposed development was forecast to generate 48 two-way trips in the weekday AM peak and 44 two-way trips in the weekday PM peak.
143. The current proposal does not include the potential village shop and the community parking; and the 76 dwellings is less than the originally proposed 90 dwellings upon which the previous assessment was based. Therefore, the use of the same trip rates resulting in the current proposal generating 41 two-way trips in the weekday AM peak and 37 two-way weekday trips in the PM peak is acceptable.

#### *Trip distribution*

144. The proposed trip distribution is the same as that of the refused application and is shown in Figure 7 of the TA. The proposed development trips have been assigned to the highway network as shown in Figures 8 and 9 of the TA.

#### *'With development' flows*

145. The proposed development flows have been added to the growthed flows to calculate the 2021 and 2026 'with development flows'. The results are shown in Figures 10 and 11 for the 2021 'with development' flows and Figures 12 and 13 for the 2026 'with development' flows. As noted from the results, the proposed development will lead to increased flows. While this increase can be accommodated by the wider highway network, the increased flows will most likely have adverse impacts at the junctions of Church Lane and Chorley Lane with



Charter Lane both of which currently have inadequate sightlines. It would therefore be necessary for measures to be implemented to mitigate such impacts.

#### *TRAFFIC IMPACT ASSESSMENT*

146. The applicant has carried out an assessment of the operation of the highway network for the future year of 2026 at Church Lane/Charter Lane, Chorley Lane/Charter Lane and Charter Lane/Proposed site access. As these are all priority junctions, the assessment was carried out using Junction 9 (Picady) software. The assessment predicts that all three junctions will operate well within capacity during weekday AM and PM peak periods in the future year of 2026 with low Ratio of Flow to Capacity (RFC) values and minimal queue lengths as shown on Tables 7.1, 7.2 and 7.3 in section 7.3 of the submitted TA.
147. The result of the assessment shows all three junctions will operate well within capacity, however, there are issues of inadequate visibility which need to be addressed to ensure safe access and egress of the site and of Charter Lane at its junctions with Church Lane and Chorley Lane. At the recent meeting with LCC Highway Services, the applicant was requested to reassess the adequacy of sightlines at these junctions. Following this request, the applicant conducted a 7-day automatic traffic survey from 16th -23rd July 2021 on Chorley Lane and Church Lane to establish the 85th percentile speeds of traffic approaching the junctions for use to determine visibility splay requirements. The survey established the 85th percentile speeds on Church Lane as 34.4mph(eastbound) and 35.1mph (westbound). On Chorley Lane, the 85th percentile speeds were 37.6mph (northbound) and 38.1mph(southbound).
148. Based on the above results, the required visibility splays at Church Lane/Charter Lane as per the Manual for Streets recommendation will be 2.4 x 52.0m (east) and 2.4m x 53.0m (west), while at Chorley Lane/Charter Lane, the required splays will be 2.4 x 59.0m (north) and 2.4m x 60.0m (south).
149. The junction visibility assessment as detailed on Plans 002 rev P01 (29.07.2021) included in the Technical Note shows that at Church Lane/Charter Lane, although 45.0m SSD was used instead of the required 52.0m, the splay to the east still cuts across third-party (the pre-school) boundary. As noted, the SSD was not measured to the nearside kerbs as would have been appropriate at this location.
150. At Chorley Lane/Charter Lane, although shown on plan as 2.4m, the x-distance of the visibility splays as per the scale of the drawing is only 2.2m and measured away from nearside kerbs to SSDs of 52.0m (north) and 51m (south) instead of the required 59m(north) and 60m(south). The dimensions used are less than required, yet the splay to the north cuts across the boundary of the adjacent 158 Chorley Lane while in the south direction, there will be the need to cut back the existing hedge to ensure uninterrupted visibility.

#### *MITIGATION MEASURES*

151. From the assessment, it is apparent that while the two junctions appear to be operating well under current conditions with no traffic collisions, this may be exacerbated by the proposed development if additional measures are not implemented. Therefore, it is considered that the applicant implements traffic calming measures on Church Lane and Chorley Lane on the approach to the junctions to mitigate the adverse impacts of the development. The traffic calming measures in addition to the provision of footways, bus stop infrastructure and the street lighting improvements would be subject to LCC Highway Services approval and implemented through the s278 agreement.

#### *FRAMEWORK TRAVEL PLAN*

152. It is a Framework requirement that all developments that will generate significant amounts of movement to provide a Travel Plan. As the application submission does not include a Framework Travel Plan, this would be required by condition to include the following:

- Commitment and timescale for appointment of a Travel Plan Coordinator by the developer – one month prior to first occupation of development and the position maintained for 5 years.
- Commitment and timescale to undertake travel surveys - within 3 months of attaining 75% occupation of development.
- Commitment and timescale for the development of a Full Travel Plan - within 3 months of first travel survey.
- Details of pedestrian, cycling and public transport links to and within the site.
- Details of provision of secure and covered cycle storage.
- Outline objectives and targets.
- List of proposed measures to be introduced particularly any to be implemented prior to the development of the Full Travel Plan
- Details of arrangements for monitoring and review of the Full Travel Plan for a period of at least 5 years

153. For the proposed scale of development, LCC have requested a contribution of £6,000 to provide the following range of services.

- Appraise the Full Travel Plan submitted to the Council pursuant to the planning permission and provide constructive feedback.
- Oversee the progression from Framework to Full Travel Plan in line with agreed timescales.
- Monitor the development, implementation and review of the Full Travel Plan for a period of up to 5 years.

154. The travel plan contribution will be secured through a S106 agreement of the Town and Country Planning Act 1990 and the trigger point would be prior to commencement of development to enable suitable support to be provided early in the process.

#### *CONCLUSION*

155. In assessing the proposed development LCC Highway Services need to ensure that appropriate opportunities to promote sustainable transport modes have been taken up and that safe and suitable access to the site can be achieved for all users. While the impacts of the proposed development on highway safety are significant, it is considered that this can be cost effectively mitigated through the implementation of the above measures. Therefore, LCC Highway Services have raised no objection to the proposal subject to the applicant agreeing to carry out the mitigation measures listed below.

#### *To be secured via a S278 agreement of the Highway Act 1980*

##### *Chorley Lane*

- Provide 'SLOW' worded carriageway markings on red textureflexed surfacing on Chorley Lane on its approaches to Charter Lane including renewal of existing carriageway markings extending into Charter Lane. (appendix E - TN2). Drawing to be amended to incorporate coloured surfacing for the 'Slow' worded markings.
- Provide uncontrolled crossing of dropped kerbs and tactile pavings at Chorley Lane/Charter Lane. (appendix E - TN2)
- Relocate the existing 2no. bus stops outside and opposite 183 Chorley Lane closer to Chorley Lane/Charter Lane. The 2no. relocated bus stops to be provided to high quality disability compliant standard to include provision of raised kerbs, boarding platforms, new shelters and the required bus stop carriageway markings to include clearways with good quality information on services. The bus shelters will not be the cantilever type as stated on plan, as a smaller end panel can be installed to support the shelters. (appendix E - TN2).
- Extend the existing footway on the south side of Chorley Lane to a width of 2.0m from its current end outside 177 Chorley Lane to the relocated bus stop.

*Note: The actual location of all highway features including the 'SLOW' worded markings, dropped kerbs and tactile pavings and the new bus stops are to be agreed on site as part of the s278 agreement including the extents of the new footway provision and renewal of carriageway markings.*

#### *Charter Lane*

- Provide 2.0m wide footway extending the full width of the frontage of the proposed site to tie-in with the existing footway outside 17 Charter Lane in the south and outside the Charnock Richard scouts and guides headquarters in the north. The footway shown on the submitted proposed 'Hardstanding Plan' referenced, CL/CL/HP/01 rev B (26.11.21) does not extend to these points and must be amended.
- Provide an upgrade to the existing street lighting from the proposed site access to Church Lane/Charter Lane to include provision and installation of 6no. new lighting columns, 200m or so duct and cable and removal, reinstatement, and disposal from site of 2no. existing lighting columns. Depending on the final detailed street lighting design, the works and materials may be more than stated.

*Note: The existing vegetation within the visibility splays of the proposed site access will be required to be removed or reduced in height to no more than a metre. (appendix C - TN2)*

#### To be secured via a S106 agreement of the Town and Country Planning Act 1990

- Provide a planning contribution of £45,000 per annum for a period of 5 years to fund enhancement of the existing 337 and 347 bus services (or replacement / equivalent) to provide extended hourly service into the evenings (say to 8pm / 9pm) Mondays to Saturdays and a 2-hourly service on a Sundays. The enhancements are for the section between Chorley and Croston.
- Provide a planning Contribution of £6,000 to enable LCC to provide the following services in relation to Travel Plan.
  - Appraise the residential Travel Plan submitted to the Council pursuant to the planning permission and provide constructive feedback.
  - Oversee the progression from Interim to Full Travel Plan in line with agreed timescales.
  - Monitor the development, implementation and review of the Travel Plan for a period of up to 5 years.

156. In conclusion, the level of proposed parking and other highway implications of the proposal are considered to be acceptable, subject to conditions and a S106 agreement to secure the above referenced improvements.

#### Impact on the character and appearance of the area

157. Policy 17 of the Core Strategy seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets. The policy is considered to be consistent with the Framework and should be attributed full weight.

158. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, among other things, the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on

or off-site. The policy is considered to be consistent with the Framework and should be attributed full weight.

159. Policy BNE10 (Trees) stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows. The policy is considered to be consistent with the Framework and should be attributed full weight.
160. The surrounding housing stock to the development site are generally two storey brick and rendered buildings in a varied mixture of built forms including detached, semi-detached and terraced properties with pitched grey roofs and details such as bay windows, flat canopies and hanging tile.
161. When considering any development proposal, the Council must be mindful of The Framework that states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
162. Chorley Council plans positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and seeks to create well-mixed and integrated developments, which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation.
163. The site area is 2.02 hectares so the scheme is the equivalent to 37.6 dwellings per hectare, which is quite a dense scheme in terms of layout. Although it is not considered that the density could be said to be out of keeping with the density of development in Charnock Richard in general, as a result of the layout and density it is necessary to remove some trees on the site but those of higher value are to be retained.
164. The proposal includes a main spine road through the site with secondary roads branching off and the proposed units arranged in parcels of development with interspersed landscaping areas, mainly around the retained pond to the north east and a new pond to the north west corner of the site.
165. The apartments proposed are 'cottage' style apartments, which each have their own front door and are two-storey in scale. It is considered they are in keeping with the character of the wider proposal and the surrounding local area. All units will be two storeys in height. Materials will include render, red and brown brick and grey roof tiles. The dwellings are of a simple contemporary design with the final choice of materials to be agreed through the discharge of planning conditions.
166. It is considered that the proposed dwellings would assimilate with the built form of existing dwellings in the area. In light of the above, the proposal would not cause harm to the character and appearance of the locality. The development, therefore, complies with the above referenced policies of the Chorley Local Plan in this regard.

#### Impact on amenity

167. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.

The policy is considered to be consistent with the Framework and should be attributed full weight.

168. With regards to noise, dust and other pollution during the construction period, these would be short in duration and limited in intensity. Such impacts could be adequately controlled through a construction environmental management plan (CEMP) which can be required to be submitted to the Local Planning Authority for approval prior to works commencing.
169. It is worth noting that many objections to the proposal have referred to the impacts upon the occupiers of surrounding dwellings from overlooking / loss of privacy. The design of the apartment block to be situated closest to the dwellings on Leeson Avenue has been amended at the request of the case officer. The original design had windows that would have introduced a window at first floor level that would have overlooked the rear gardens of nos. 4 and 6 Leeson Avenue. The revised apartment block has a blank gable wall in this location.
170. All interface distances between the existing surrounding dwellings and the proposed dwellings are greater than the Council's minimum guideline distances and so are considered acceptable. The proposed dwellings have been designed in such a way so as to be compatible with each other without creating an amenity impact of adjacent plots. There would be an adequate degree of screening around the plots.
171. In light of the above, it is considered that the proposal is acceptable in terms of amenity impacts and accords with national policy and policy BNE1 of the Chorley Local Plan in this regard.

#### Drainage and flood risk

172. Policy 29 (Water Management) of the Core Strategy seeks to improve water quality, water management and reduces the risk of flooding in a number of ways including, among other things, appraising, managing and reducing flood risk in all new developments. The policy is considered to be consistent with the Framework and should be attributed full weight.
173. Lancashire County Council as Lead Local Flood Authority is the responsible 'risk management authority' for managing 'local' flood risk which refers to flood risk from surface water, groundwater or from ordinary watercourses.
174. A Flood Risk Assessment and Drainage Strategy has been submitted with the application and reviewed by United Utilities and Lancashire County Council as Lead Local Flood Authority (LLFA). An indicative drainage strategy has also been provided. The site is in Flood Zone 1 (the lowest risk) as identified by the Environment Agency.
175. The Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage System (SuDS) approach. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
- into the ground (infiltration);
  - to a surface water body;
  - to a surface water sewer, highway drain, or another drainage system;
  - to a combined sewer.
176. Section 8.11 of the submitted Flood Risk Assessment and Drainage Strategy states that a pumping station will be installed to connect to the surface water sewer on Leeson Lane. Given the absence of a suitable watercourse and the general fall of the land to the west, the LLFA accepts that pumping may be necessary. Given that the site has very low relief, however, they advise the applicant should provide evidence to demonstrate why pumping is required and why the site cannot be drained by gravity as part of a satisfactory final sustainable drainage strategy.

177. The Flood Risk Assessment and Drainage Strategy also states that infiltration tests have not been carried out, but that infiltration has been discounted based on identified ground conditions. The information submitted is not considered sufficient to discount infiltration as a discharge method. In order to do so, the LLFA advise that the applicant must submit evidence of infiltration rates and groundwater levels, for example, through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365 revised 2016. This would ensure that priority is given to SuDS in accordance with the Planning Practice Guidance, as the preferred means of surface water drainage for any new development is via infiltration. The applicant must, therefore, submit evidence as to why each 'level' of the above hierarchy cannot be achieved. Subject to the above the LLFA has no objection to the proposed development.
178. The above can be secured through the imposition of planning conditions requiring full details of a drainage strategy to be submitted based on evidence that the highest tier in the drainage hierarchy has been used and associated conditions.
179. United Utilities state the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. They confirm that following their review of the Flood Risk Assessment and Drainage Strategy they can confirm the proposals are acceptable in principle to them. However, they do not have sufficient information on the detail of the drainage design, particularly in relation to the proposed cover and invert levels of the on-site system in comparison to the proposed finished floor levels. They therefore request drainage conditions are attached to any permission similar to those requested by the LLFA, including details of a surface water drainage scheme including an investigation of the hierarchy of drainage options in the National Planning Practice Guidance which shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water, a restricted rate of discharge of surface water (if infiltration is discounted through investigations), and a timetable for its implementation.
180. They also request a condition that foul and surface water shall be drained on separate systems. It is intended that foul sewage from the site will be collected by a piped system and discharged into the public foul sewer manhole that lies within Charter Lane.
181. Subject to the above conditions including demonstrating the site will be drainage as high up on the drainage hierarchy as possible the proposal is considered acceptable in this respect.

#### Affordable housing

182. Policy 7 of the Core Strategy and the Affordable Housing SPD only relate to affordable housing provided as part of a market housing scheme secured through a S106 agreement, therefore, they are not applicable to this scheme. The Council's preference is for 70% affordable rented in line with Policy 7 and the SPD and the proposed split for this scheme is 47% affordable rented and 53% shared ownership. The Council's tenancy strategy requires the rented units on S106 sites to be social rent however as this is a 100% affordable housing scheme these requirements do not apply, and Homes England funding is not available for social rent in the borough. As such, the proposed mix is considered to be acceptable.
183. On 25 January 2022 there were 489 active applications in categories a – c of the housing register. On 16 March 2022, two applications in reasonable preference category a - c have listed Charnock Richard as their preferred location. However, many applicants do not choose an area of preference when completing the application, particularly areas where there is less affordable supply, and affordable housing need is borough wide across Chorley.
184. There is an acute shortfall in the provision of affordable housing in the borough. This development would make a valuable contribute to the borough wide need for affordable housing which should be given significant weight in the planning balance, as identified in recent appeal decisions in the borough.

*The provision of affordable homes in the planning balance*

185. While the provision of affordable housing is given significant weight in the planning balance, this has to be considered alongside the matter of sustainability and, given the low number of people who currently live or have a connection with the village on the housing waiting list, the issue of bringing a large number of new residents into a village that has very few facilities to support them and, therefore, the need for them to travel out of the village, most likely be private car to access facilities. That said, LCC Highway Services have agreed to enhancements to the local bus services, bus stops, and pedestrian access arrangements in and around this site, as explained earlier in this report. As such, it is considered that the sustainable modes of transport will be available to serve the future occupants of the proposed dwellings. Financial contributions will also be secured for public open space and additional school places. It is, therefore, considered that the site is a suitable location for this level of affordable housing.

Public open space

*Amenity Greenspace*

186. Policy HS4A of the Chorley Local Plan 2012 - 2026 sets a standard of 0.73 hectares per 1,000 population.

187. There is currently a deficit of provision in Chisnall in relation to this standard, a contribution towards new provision in the ward is, therefore, required from this development. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.1332 hectares. A maintenance cost of £53,200 is also required for a 10 year period if private maintenance is not proposed.

*Provision for children/young people*

188. Policy HS4A of the Chorley Local Plan 2012 - 2026 sets a standard of 0.08 hectares per 1,000 population.

189. There is currently a surplus of provision in Chisnall in relation to this standard, a contribution towards new provision in the ward is, therefore, not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. A contribution towards improvements is therefore also not required from this development.

*Parks and Gardens*

190. There is no requirement to provide a new park or garden on-site within this development.

191. The site is within the accessibility catchment (1,000m) of parks/gardens that are identified as being low quality and/or low value in the Open Space Study (site 2017 Orchard Garden, Charnock Richard), a contribution towards improving these sites is, therefore, required. The amount required is £1,467 per dwelling.

*Natural and Semi-Natural Greenspace*

192. There is no requirement to provide new natural/semi natural greenspace on-site within this development.

193. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study, therefore, a contribution towards improving existing provision is not required.

*Allotments*

194. There is no requirement to provide allotment provision on site within this development.

195. The site is not within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site, a contribution towards new allotment provision is, therefore, not required from this development.

*Playing Pitches*

196. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is, therefore, required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

THE TOTAL PUBLIC OPEN SPACE FINANCIAL CONTRIBUTION REQUIRED FROM THIS DEVELOPMENT IS AS FOLLOWS:

Amenity greenspace	= £53,200 (if private maintenance not proposed)
Equipped play area	= £0
Parks/Gardens	= £111,492
Natural/semi-natural	= £0
Allotments	= £0
Playing Pitches	= £121,524
<b>Total</b>	<b>= £286,216</b>

Sustainability

197. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1<sup>st</sup> January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on 26th March 2015, which effectively removed the Code for Sustainable Homes. The Bill does include transitional provisions which include:

*"For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the [Planning and Energy Act 2008](#) in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."*

*"Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance."*

198. Given this change, instead of meeting the Code Level the dwellings should achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a conditions.



Education

199. Lancashire County Council Education have provided a contribution assessment for this development which can be summarised as follows:

Lancashire County Council is responsible for the provision of school places across the 12 county districts. The county has been facing significant increases in the birth rate at the same time as capital funding from the Department for Education has been significantly reduced.

In accordance with Lancashire County Council's 'School Place Provision Strategy', the following will apply:

Where the growth in pupil numbers is directly linked to housing development and existing school places are not sufficient to accommodate the potential additional pupils that the development may yield, Lancashire County Council would seek to secure developer contributions towards additional school places. Only by securing such contributions (which, depending upon the scale of development, may also include a contribution of a school site), can Lancashire County Council mitigate against the impact upon the education infrastructure which the development may have.

Latest projections for the local primary schools show there to be 91 places available in 5 years' time. With an expected pupil yield of 9 pupils from this development, we would not be seeking a contribution from the developer in respect of primary places.

Latest projections for the local secondary schools show there to be a shortfall of 234 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission.

With an expected yield of 4 places from this development the shortfall would increase to 238. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 4 places.

Permanent expansion in secondary places:

(£23,775 x 0.97)

= £23,061.75 per place

£23,061.75 x 4 places = **£92,247.00**

Employment skills provision

200. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire's priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;

- Increase employment opportunities by helping local businesses to improve, grow and take on more staff
- help businesses to find suitable staff and suppliers, especially local ones
- improve the skills of local people to enable them to take advantage of the resulting employment opportunities
- help businesses already located in Central Lancashire to grow and attract new businesses into the area

201. The SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement to ensure the right skills and employment opportunities are provided at the right time. This is to the benefit of both the developer and local population and covers the following areas:

- Creation of apprenticeships/new entrants/graduates/traineeships
- Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
- Work trials and interview guarantees
- Vocational training (NVQ)
- Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
- Links with schools, colleges and university
- Use of local suppliers
- Supervisor Training
- Management and Leadership Training
- In house training schemes
- Construction Skills Certification Scheme (CSCS) Cards
- Support with transport, childcare and work equipment
- Community based projects

202. It is, therefore, recommended that a condition requiring an employment and skills plan is attached to any grant of planning permission.

#### Community Infrastructure Levy (CIL)

203. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development, unless an exemption is applied for (as affordable housing), and the charge is subject to indexation in accordance with the Council's Charging Schedule.

#### Planning balance

204. Paragraph 11. d) ii. of the Framework indicates that, where the most important development plan policies for determining the application are out-of-date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; the tilted balance.

205. The adverse impacts of the development relate primarily to its conflict with the development plan strategy for the area, born out through Policy 1 of the Central Lancashire Core Strategy. Charnock Richard is not a settlement earmarked for significant development. The Framework indicates that the planning system should be genuinely plan-led. There would also be some limited harm to the biodiversity of the area through a net loss in the biodiversity value of the site.

206. In terms of benefits, the provision of new housing would bring construction and supply chain jobs, places for the economically active to live, increased local spend and greater choice in the local market. These benefits have not been quantified and would apply to any housing development of this scale but are still considerable.

207. A relatively large number of affordable homes are to be provided in Charnock Richard by this proposal and whilst there would not appear to be a need for these in the immediate area, there is a significant shortfall across the Borough. The new affordable dwellings would provide homes for real people in real need.

208. The proposal would boost the supply of housing in a situation where there is no five-year supply and an under-provision of affordable housing and, as a result, moderate weight can be given to the economic benefits and significant weight to the social benefits.

209. The provision of open space and its ongoing management and maintenance and the contributions to school places, sustainable transport and the travel plan are neutral considerations because they are needed to make the development acceptable.
210. Although Charnock Richard has limited facilities reflecting its lowly position in the settlement hierarchy, there is a primary and pre-school close to the site and an off licence, hotel, bar/restaurant, public house, and a community centre within walking distance of the site. Charter Lane is also well served by public transport with bus stops along both Chorley Lane and Church Lane. The nearest bus stop is located on Chorley Lane, approximately 560m (7 minute walk) from the site. This gives the site accessibility to the local, regional and national road networks, and thus provides opportunities for modes of transport other than the car. The proposal includes to move this bus stop closer to the site and improve its functionality.
211. The nearest supermarkets are a Tesco Extra at Foxhole Road, Chorley (approximately 2.5km to the northeast) and a Co-op at Spendmore Lane, Coppull (approximately 1.5km to the south). The site is also situated approximately 5km to the southwest of Chorley town centre.
212. Whilst, the private vehicle would likely be used for most journeys, alternatives exist and journeys to access services would not be long. The proposal includes enhancements to sustainable transport options.
213. There is conflict with Policy 1 of the CLCS and the development plan overall, although the site is located within the defined settlement boundary. In terms of Policy 1, the overall strategy is consistent with the Framework in concentrating development in the most sustainable locations. That said, the policy forms part of a failing strategy as the Council cannot demonstrate an adequate supply of housing. As such, the policy is only afforded moderate weight.
214. The adverse impacts of the proposed development relating to the conflict with the development strategy and loss in biodiversity would not significantly and demonstrably outweigh the considerable economic and significant social benefits. As such, the proposal is recommended for approval.

## CONCLUSION

215. The proposal is recommended for approval as the adverse impacts of the proposal do not significantly and demonstrably outweigh the considerable economic and significant social benefits it would deliver.

## RELEVANT HISTORY OF THE SITE

**Ref:** 5/5/07975                      **Decision:** WDN                      **Decision Date:** 18 February 1971  
**Description:** Site for 145 dwellings

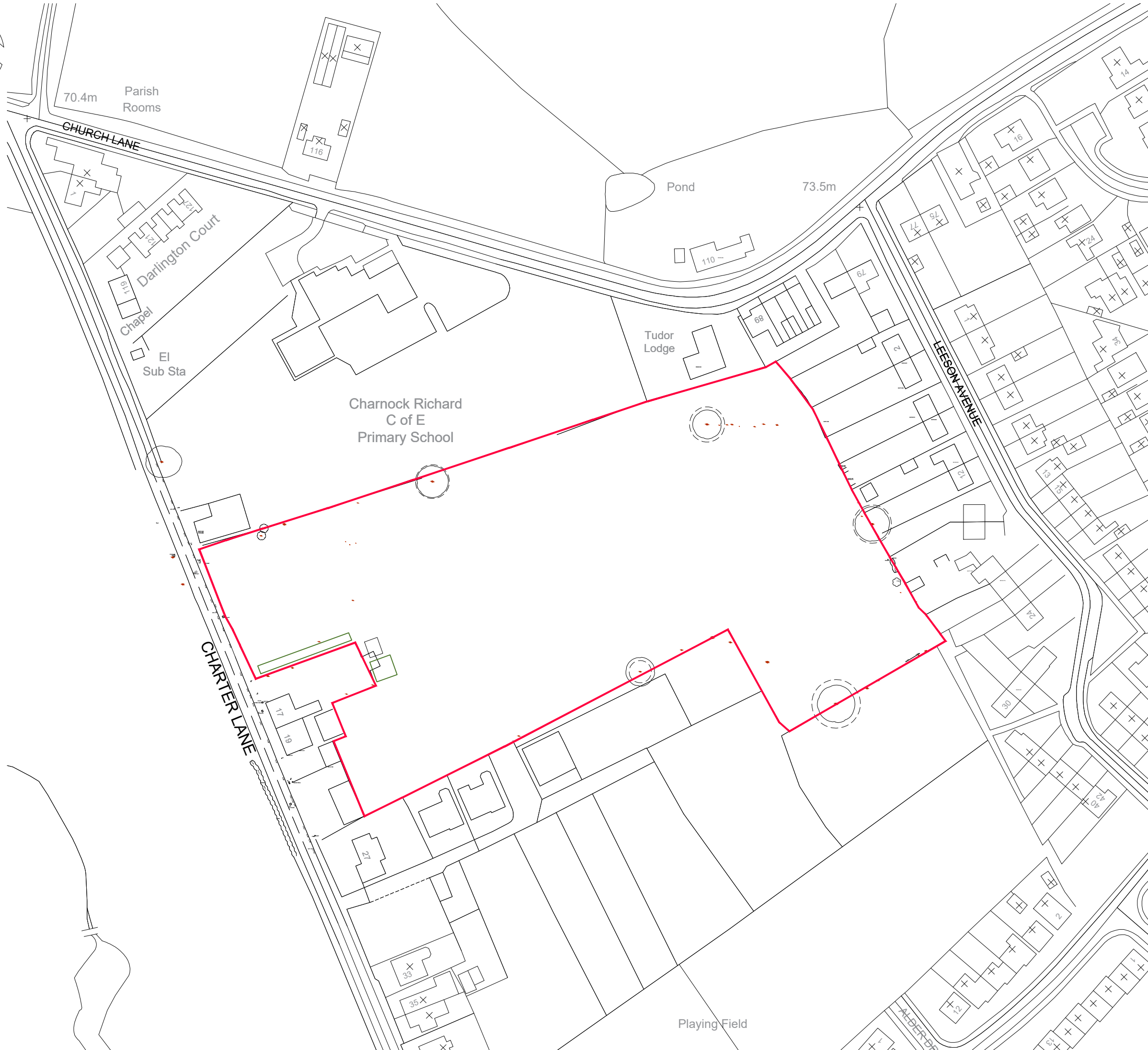
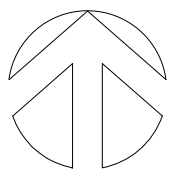
**Ref:** 88/00603/OUTMAJ              **Decision:** REFOPP              **Decision Date:** 27 September 1988  
**Description:** Outline application for erection of 13 detached dwellings with associated roadworks

**Ref:** 16/00510/OUTMAJ              **Decision:** REFOPP              **Decision Date:** 8 March 2017  
**Description:** The erection of up to 60 dwellings, a village shop, community parking, landscaping, provision of public open space, access and associated infrastructure

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

To follow.



**IMPORTANT NOTE:**  
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Revision:	By:	Date:

	<b>Client:</b>		
	Conlon Holdings Ltd		
	<b>Project Title:</b>		
	RESIDENTIAL DEVELOPMENT		
	<b>Address:</b>		
	Charter Lane, Charnock Richard		
<b>Drawing Title:</b>			
Location Plan			
<b>Drawing No:</b>			
CL/CL/LP/01			
<b>Dwn:</b>	<b>Ckd:</b>	<b>Date:</b>	
BP	ST	02/03/21	
<b>Scale:</b>	<b>Paper Size:</b>	<b>Rev:</b>	
1:1250	A3		

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**APPLICATION REPORT – 21/01166/FUL**

**Validation Date: 12 October 2021**

**Ward: Chorley North East**

**Type of Application: Full Planning**

**Proposal: Demolition of an existing dwelling with detached garage, and construction of 1no. self-build eco-home**

**Location: The Croft Lower Simpson Fold Blackburn Road Higher Wheelton Chorley PR6 8HL**

**Case Officer: Johndaniel Jaques**

**Applicant: Carrie Sharp**

**Agent: Miss Zara Moon, Zara Moon Architects**

**Consultation expiry: 21 February 2022**

**Decision due by: 5 April 2022 (Extension of time agreed)**

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**RECOMMENDATION**

1. It is recommended that planning permission is granted subject to conditions.

**SITE DESCRIPTION**

2. The application site is situated within the Green Belt, as defined by the Chorley Local Plan Policies Map. It is located approximately 50m to the north west of the A674 Blackburn Road, and is accessed from a single track lane that leads from the main road. The existing property is a large detached dwelling set within a large plot with substantially sized gardens which wrap around to the rear (south western) and side (north western) facing elevations of the application property.
3. The site bounds with open land to the north and the nearest neighbouring property, Fairway, is located to the east of the site. There are also three dwellings located to the south east - nos. 307, 309 and 311 Blackburn Road.
4. The rear garden is screened from the adjoining land by mature boundary treatments in the form of hedging/shrubs; and a timber panelled fence which delineates the southern boundary and part of the eastern boundary along with a timber gate and stone piers to the site access. There is a fall of approximately 2 metres across the site from east to west.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

5. This application seeks planning permission for the demolition of an existing dwelling and detached garage, and construction of 1no. self-build eco-home. The proposed dwelling would have external terraces to the rear and side at first floor level. To the front of the dwelling would be a driveway with an area for cycle and bin storage towards the north eastern corner of the site. To the rear of the proposed dwelling would be a main terrace area and a sunken terrace. Existing trees on the site would be retained apart from one oak which is located on the north eastern boundary which is identified as being in decline. New

tree and hedge planting is proposed as part of the proposal, mainly along the existing timber fencing between the site and the adjacent properties located to the south/south west.

6. The submitted Design and Access Statement sets out the rationale behind the proposal including the applicant's desire to rationalise and improve the property following a previous application for extensions being refused, as set out below.
7. The proposed dwelling would be two storey and of a modern design with a flat roof. It would include an annexe for a dependent family member. Glazing to the front elevation is minimised to maintain privacy and the glazed elements are focussed to the rear. There are projecting elements to the roof and a projecting central band at first floor level. These allow for covered inset terraces and inset balconies to be provided to the rear of the property at first floor level.
8. The materials proposed include natural stonework render and timber cladding as well as marble tiling, which the applicant considers creates a contemporary rural property.
9. The applicant says that one of the key design drivers for the project was the desire to create a highly sustainable eco-home.

## REPRESENTATIONS

10. 20no. letters from 9no. individuals (including Cllr Margaret France) have been received which cite the following grounds of objection:
  - How much has the original building increased, as it has been extended on many occasions including by around 60% already and want to add another 30% to a building already exceeding the 50% allowance by some margin. Surely these increases mean that the proposal is unacceptable?
  - Does the proposal violate planning policy given a government press release states permission is not needed to demolish and rebuild vacant and redundant residential buildings if they are rebuilt as homes? The property is not redundant or vacant but apparently unsuitable due to the way it has been extended.
  - The size, scale, appearance and design are totally inappropriate and out of character with both surrounding properties and this rural Green Belt area. The property proposed is out of proportion with the site, and this could set a precedent. The proposal will demolish the unique rural quality of the fold.
  - Overbearing and impact on privacy given overlooking especially from the proposed first floor balcony contrary to planning policy.
  - Although there are inconsistencies in the drawings regarding the size/shape of the building, views will be dominated by the building due to its size and shape and it will impact on outlook, privacy, light. The reduction in height of the building is only reduced by 10cm yet it is a wider building span across the majority of the objector's rear garden.
  - There may be an intention to create a wrap around first floor balcony around the south east corner and side above the ground floor external covered terrace, due to the central projecting band at the first floor level. This would create a viewing platform directly into homes and gardens violating privacy.
  - Glazing to the rear and side elevations will lead to increased light pollution, even more so than is currently suffered from lights seen through the existing Velux roof lights, which will also be detrimental to ecology.
  - Noise and dust from construction over a long period impacting on health and wellbeing and quality of life.
  - Detrimental impact on businesses, including a yoga/wellbeing business that adjoins the site which is particularly sensitive to noise.
  - Detrimental impact on local beauty spots.
  - Proposed trees along the site boundary will block out sun and light and make gardens feel hemmed in and claustrophobic and affect what can be grown in neighbours gardens.



- Fear and safety concerns regarding plant and machinery accessing the site off a small lane due to potential damage to the lane itself, and concern about who would be liable for that, drainage ditches, trees and the road surface, as well as obstructing the access, and traffic including emergency services backing up on the main road.
- The required dropped crossing will affect an objector's property as it lies on its boundary.
- Dangerous effect on drainage as there are many hidden underground springs and drainage, including impact on the integrity of the lane and the ditch running down it could get blocked/contaminated. No protection is provided to the drainage ditch of water supply to the well that supply livestock drinking water. Surface water is proposed to drain to the sewer which is the least sustainable option. The works should not materially affect drainage at adjacent properties.
- Serious threat to ecology, veteran oak trees (including their root protection areas) and hedgerows. The trees particularly have immense value, and have a much longer lifespan than the AIA states. Threats come from construction traffic and the existing site surface being inadequate to protect roots. The root protection fencing is minimal.
- Inconsistencies on the plans regarding trees, boundaries and ownership.
- The lane is a well-used and largely unspoiled public footpath and this will undermine its character.
- It's unreasonable to experience so many applications for construction at this site.
- There are two properties at the site not one as claimed.
- Demolishing and rebuilding a property is at odds with the eco-house claim.
- The application does not address whether the site is suitable for excavation.
- There are no exceptional reasons to allow the development.
- The existing gates and pillars at the site entrance are likely to require planning permission and are not shown on the plans.
- Although the originally proposed basement has been removed the latest alterations fail to address other issues.
- Smells and noise from the indoor swimming pool and associated plant.
- Having removed the garage and basement from the proposals it is likely that these will be applied for in the future.
- One letter says that it does not object to the principle of redeveloping the site but raises concerns. Another letter says that if the boundary is moved back off the objector's land it would be fine.

## CONSULTATIONS

11. Wheelton Parish Council – Have objected on the following grounds:

- The ownership of the lane is not confirmed as stated in the application. Highways have stated they want changes to the access which the landowner would need to do.
- There are a number of trees on the property that are significant and should be protected
- Protected Wildlife – there is a bat roost in the roof of the existing buildings
- The balcony overlooks neighbouring properties and is intrusive.
- The size of the building is excessive for the plot and is a substantial volume increase
- Size, scale and design are not in keeping with the surrounding area.
- The removal of the basement does not address any of the concerns previously identified.

12. Greater Manchester Ecology Unit (GMEU) – Raise no objections subject to conditions regarding securing mitigation and compensation measures for bats, works of demolition to avoid bird nesting season (March – August) and ensuring that existing trees and hedgerows are suitably protected during construction.

13. Lancashire County Council Highway Services (LCC Highway Services) – Raise no objections and recommend an informative regarding a dropped crossing.

14. United Utilities (UU) – Raise no objections and recommend informatives regarding drainage water supply and their assets.
15. Health and Safety Executive – Do not advise against granting planning permission.
16. Lancashire County Council Public Rights Of Way - No comments have been received.
17. National Grid UK Transmission - No comments have been received.
18. CIL Officers – Comment that the development is CIL Liable.

## PLANNING CONSIDERATIONS

### Principle of the development and impact on the Green Belt

19. The application site is located wholly within the Green Belt. National guidance on Green Belt is contained in Chapter 13 of the Framework which states:

*137. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

*138. Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

*147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

*149. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are a number of exceptions to this including the following:*

- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.*

20. Policy HS6 of Chorley Local Plan 2012 – 2026 relates to Replacement Dwellings and is consistent with the guidance contained within the Framework, setting criteria to be satisfied for permission to be granted as follows:

***a) The proposed replacement dwelling respects the surrounding buildings in terms of scale, size, design and facing materials, without innovative and original design features being stifled;***

21. Buildings surrounding the site are a mix of bungalows and two storey dwellings, with detached dwellings being common. The proposed dwelling would be of a simple

contemporary design style with a flat roof, some large glazed openings, and a varied finish utilising a palette of modern materials.

22. In terms of the scale of the proposal overall it is larger than the existing property, however, generally it would be slightly lower (100mm) and its footprint would be similar, being slightly smaller (3.4m<sup>2</sup>) when it is considered against existing buildings on the site.
23. Given its position behind nos.309 and 311 Blackburn Road, the proposed dwelling would not be overly prominent from Blackburn Road and is not of a scale which would appear as an obtrusive feature in the landscape or within the context of the local area, including when viewed from the public footpath that is adjacent the site.
24. The proposed dwelling would be set within a domestic garden and the site would comfortably accommodate a dwellinghouse of this proposed scale and size. The dwelling would not be particularly prominent in the locality as a result of the existing boundary features and landscaping that would filter views and by virtue of its relatively low level height which would be similar to that of the existing buildings. It is acknowledged that the proposed design is contemporary, compared to the existing dwelling and that the look of the site would change from the existing arrangements. However, as previously stated, house types and styles in this locality are varied and there is no distinguished architectural value to preserve. In addition, existing trees and vegetation would be retained (except T3 which is in decline) which is a strong feature of this site within the rural locality. Having regard to the above it is not considered that the proposed dwellinghouse, whilst of modern design, would have a significant detrimental impact on the surrounding area by virtue of its design.
25. The proposal is considered to accord with policy HS6(a) and policy BNE1 of the Chorley Local Plan in respect of design considerations.

***b) There is no unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight;***

26. A number of principal windows are proposed to the north eastern (front) elevation. Given that the separation distance achieved between the proposed dwelling and the bungalow (Fairway) located on the other side of the lane, is well in excess of the Council's separation standards, it is not considered that there would be any adverse impacts of loss of privacy or over looking to the dwellinghouse opposite.
27. To the first floor there are no windows proposed in the south eastern (side) elevation of the proposed dwelling and as such there would be no overlooking or loss of privacy impacts to the neighbouring dwellings at nos.309 and 311 Blackburn Road. Although there is a window and door proposed to the ground floor in this elevation there would not be any intervisibility between these and the property located to the south east of the site (no.311 Blackburn Road) due to the existing high fencing to the boundary.
28. The current outlook from no.311 Blackburn Road would change as a result of the proposed development, however, it is not considered that this would be to a significant degree given the current relationship and height of the existing dwelling in proximity to the boundary with no.311, and that a separation distance of approximately 31 metres would be achieved. It is, therefore, considered that the resultant outlook would be acceptable. Although there may be some loss of light to the garden of this property and to that of no.309 Blackburn Road it is not considered that this would be significantly detrimental compared to the existing situation given the orientation of those gardens compared to the site as they are to the south east of it.
29. To the north western side of the site there are no residential properties adjacent and the land is open so there are no issues relating to residential amenity in relation to that elevation.
30. To the south west elevation at both ground floor and first floor are proposals for the main living areas of the property. At ground floor the elevation is primarily glazed, and at first floor

there are external terraces. The primary views from these windows and terraces would be over the applicant's own rear garden which would have a depth of over 13 metres. It is recognised that at first floor more wide ranging views would be achieved towards the rear garden of no.307 Blackburn Road, which is a sizeable garden. However, given the garden depth proposed as part of this application, it is considered that the resultant relationship would be acceptable and that a reason for refusal on the basis of unacceptable adverse impacts of overlooking or loss of privacy to the rear garden of 307 Blackburn Road could not be sustained. It is not considered likely that there would be significant impact of overlooking to no.309 Blackburn Road from the rooms or terraces proposed at first floor level in the south west elevation as there would be no directly overlooking relationship to this neighbouring property or garden area.

31. Some planting is proposed mainly to the rear and side of the proposed dwelling. Given the orientation of the property it is considered that the planting is unlikely to cause a significant loss of light to the adjoining gardens, and if the applicant wished to undertake tree and hedge planting they could do so without planning permission.
32. An objection fears that the proposal would enable the creation of a wrap around balcony which would undermine privacy. However, the application is assessed on the basis as it currently proposed and consideration would be given to the removal of permitted development rights.
33. Issues are also raised in neighbour objections regarding light pollution being worse than currently is the case. However, as the proposal is for a replacement dwelling, and any level of light would be of a domestic nature.
34. Given the above considerations, it is not considered that the proposed development would cause an unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight, and would be a compatible form of development in land use terms.
35. Having regard to the above, the proposal accords with policy HS6(b) and policy BNE1 (b) of the Chorley Local Plan in respect of amenity considerations

***c) Safe and suitable access to the site can be achieved;***

36. The existing site access arrangements would be utilised and the level of traffic associated with the proposed dwelling would similar to the existing arrangements given that the proposal involves a replacement dwellinghouse. 3no parking spaces are required to serve the proposed development in accordance with the standards set out at Annex A of the Chorley Local Plan, and it is clear from the plans that this can be achieved.
37. LCC Highway Services have reviewed the application and advise that the proposal is acceptable from a highway safety perspective.
38. LCC Highway Services do, however, advise that there is a need to improve the condition of the existing dropped vehicle crossing at the junction of the site access with Blackburn Road. The improvements required do not, however, arise from the proposed development itself or an intensification of use as a result of the proposal, and is an existing situation which currently serves a number of dwellings. Accordingly, it is not considered that the improvements are directly related to the proposed development and cannot be secured by way of a planning condition as it would not meet the necessary tests.
39. LCC Highway Services have not raised any objections to the use of the lane by construction traffic or delivery vehicles. There is often some disturbance caused by construction traffic and deliveries at any construction project. Given that the proposal is for a single dwelling any impact would be low, even though there is a yoga and well-being business operating adjacent the site. However, in light of the concerns raised by objectors it is considered prudent to recommend that a construction management plan is submitted prior to any demolition works being undertaken.

40. It is not considered that the proposal would prejudice highway safety and accords with policy HS6(d) and policy BNE1(d) of the Chorley Local Plan in respect of highway safety considerations.

***And in the Case of the Green Belt,***

***d) the proposed replacement dwelling would not detract from the openness to a greater extent than the original dwelling; and***

***e) would not be materially larger than the dwelling it replaces nor involves enlarging the residential curtilage. Increases of up to 30% (volume) are not considered to be materially larger.***

41. In respect of volume calculations, the proposed dwellinghouse would be approximately 34% larger than the existing dwellinghouse. It is, therefore, materially larger.
42. It is noted that the existing detached garage would be demolished, however, this does not form part of the existing dwellinghouse and cannot be taken into account when calculating the volume of the existing dwellinghouse.
43. The proposed replacement dwellinghouse would be materially larger than the dwelling it replaces and as such fails to satisfy the relevant threshold of policy HS6(e) and does not accord with exception (d) of paragraph 149 of the Framework.
44. However, whilst the proposal does not satisfy exception (d) it can also be assessed under exception (g) of paragraph 149 of the Framework as the land falls to be considered as previously developed.
45. To engage with the exceptions of paragraph 149(g) of the Framework, which is reflected in policy BNE5 of the Chorley Local Plan 2012 – 2026, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the site.
46. Policy BNE5 relates to the redevelopment of previously developed sites in the Green Belt and states that redevelopment of previously developed sites in the Green Belt will be permitted providing that the appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.
47. Whether harm is caused to openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications. The existing site is already occupied by detached dwelling, including various domestic paraphernalia and a large detached garage.
48. The presence of this existing development already causes harm to openness by its mere existence; and case law has established that for there to be a greater impact, there must be something more than merely a change. The proposal involves the demolition of the existing dwellinghouse and the detached garage and, when taken together, the overall increase in volume across the site as a whole would be an uplift of approximately 26% in volume. In volumetric terms, the impact on openness would be offset. In addition, the footprint of the proposed development would be slightly smaller than the existing footprint of the buildings to be demolished. Whilst the overall height would increase, as the proposed dwelling would be true two storey, whereas the existing dwellinghouse is of varied two storey and single storey heights, the visual context of a domestic setting with a tightly defined residential curtilage would not be more harmful to the Green Belt.
49. The proposed development accords with exception (g) of paragraph 149 of the Framework, and is not, therefore, inappropriate development in the Green Belt.

50. Whilst objections do note that the property has been extended on many occasions and that should mean the proposal is unacceptable, the assessment is based on existing development and not of the 'original' dwellinghouse.
51. The proposal does not accord with the replacement building exception of paragraph 149(d) of the Framework or Chorley Local Plan policy HS6 (Replacement Dwellings) criterion (e); however, it does satisfactorily fall within exception (g) of paragraph 149 which allows for the redevelopment of previously developed land in the Green Belt.

#### Impact on ecological interests

52. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that biodiversity and ecological network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species.
53. In addition, the policy states that development must adhere to the provisions which includes: Where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs.
54. Policy BNE11 (Species Protection) of the Chorley Local Plan 2012 – 2026 stipulates that planning permission will not be granted for development which would have an adverse effect on a priority species unless the benefits of the development outweigh the need to maintain the population of the species in situ. Should development be permitted that might have an effect on a priority species planning conditions or agreements will be used to:
  - a) Facilitate the survival of the individual species affected;
  - b) Reduce the disturbance to a minimum; and
  - c) Provide adequate alternative habitats to sustain the viability of the local population of that species.
55. The application is accompanied by an ecological assessment which includes a bat survey and assessment, as well as a habitat assessment for commuting/foraging bats. Based on the findings of the initial bat survey further bat activity surveys were carried out, which established that the existing dwelling supports one common pipistrelle bat day roost.
56. The Habitats Directive is imposed through the Conservation of Habitats and Species Regulations 2019 and all species of bats are European Protected Species under these regulations. The Regulations protect individual bats from killing, injury or disturbance and also protects their habitats, in this case the roost, even if the bat is not present in it at the time.
57. If a protected species is known to be present on site and impacted upon by the proposed development, which is the case here, a European Protected Species licence from Natural England would be required, and it is likely that this could be a low impact licence. Under the Habitats Directive a degradation licence may be applied for if certain criteria relating to maintenance of favourable conservation status, no satisfactory alternative and reasons of overriding public interest are satisfied.
58. The Directive sets out the three derogation tests which must be considered, particularly having regard to how likely that Natural England would grant a licence. These are:
  - (1) - Regulation 53(2) (e) states: a licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment".

(2) - Regulation 53(9) (a) states: the appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative",  
(3) - Regulation 53(9) (b) states: the appropriate authority shall not grant a licence unless they are satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

59. In considering these three tests (of the Habitat Regulations 2019), the proposal would deliver minor economic benefits through construction. Secured by appropriate conditions, the proposal would deliver environmental enhancements through the landscaping of the site which would include biodiversity gains including addition features for bats, such as bat boxes to compensate for the loss of the single roost.
60. In terms of test 2, the alternative would be not to replace the existing dwellinghouse, however this would not meet the needs of the applicant and regard must be given to the number of bats affected, which is a single bat and roost.
61. In terms of the third test, the roost is not critical to the favourable conservation status of the bat species (the common pipistrelle) and a mitigation strategy has been provided, as set out in the ecological report at section 5.3. Notwithstanding this, it is likely that a licensed bat ecologist would be able to obtain a low impact licence. Accordingly, the loss of the bat roost to facilitate the proposed development would not be detrimental to the favourable conservation status of the population of the bat species (Common Pipistrelle) and as such it would be maintained. The Council's appointed ecologists at GMEU raise no objections and the mitigation strategy could be secured by way of suitable planning condition.
62. Having regard to the above, and the recommended condition, it is considered that the three tests are met.
63. GMEU have also recommended a condition regarding demolition works to avoid the nesting bird season (March to August inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. They also say that existing hedgerows and trees to be retained as part of the proposal should be suitably protected during the course of any approved development.
64. Subject to suitable conditions, the proposed development would not be detrimental to nature conservation interests or the conservation status of bats and accords with the provisions of policies BNE9 and BNE11 of the Chorley Local Plan.

#### Impact on trees

65. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2012 seeks to ensure, among other things, that proposals would not have a detrimental impact on important natural habitats and landscape features such as mature trees and hedgerows.
66. The application is also accompanied by an Arboricultural Impact Assessment (AIA) which indicates there are four trees, a group of trees and two hedgerows in the vicinity of the site. Three of the trees are oaks, two of which are outside the site boundary and lie in the verge of the lane. The other oak (T3) lies on the site boundary. Two of the oaks (outside the site boundary) are categorised as Category B trees of moderate quality. The other oak which lies on the site boundary (T3) is categorised as Category C of low quality because it is in terminal decline as a result of previous excavations within its root protection area (RPA).
67. The AIA sets out that the works required to resurface the driveway with bound gravel and sett edging would go within the RPA of two trees T3 and T4. It states that no special working methods are required given that T3 is in terminal decline, but that within the RPA of T4 there is to be a no dig zone. Therefore, it recommends that the old hard surfaces should be carefully removed without disturbing the soil underneath, which will contain tree roots. If possible, existing sub-bases should be left in place. The new hard surfaces shall then be installed above existing soil level.

68. The Council's Tree Officer has raised no objections to the proposed development, and it is considered that whilst T3 may not be retained, and whilst not an ideal scenario, given its condition, on balance, it is acceptable. Further landscaping and tree planting are proposed which is considered to mitigate the potential loss of T3.
69. Tree protection fencing is to be installed around the RPA of T2 and part of G1 only, as indicated on the Tree Protection Plan. However, it is considered that this should be extended along the south western and south eastern side of G1 and along the existing hedgerows H1 and H2, and a condition is recommended to achieve this.
70. The submitted AIA states that it should be considered a preliminary version until all design details, such as services, drainage, boundary treatments and detailed construction specifications, are confirmed, should permission be forthcoming. A detailed arboricultural method statement, to include a sequence of works and site monitoring schedule, could be secured by way of an appropriate planning condition in the interests of the health and vitality of the trees.

#### Drainage

71. Policy 17 of the Core Strategy promotes designs that will be adaptable to climate change and adopting principles of sustainable construction including Sustainable Drainage Systems. United Utilities have been consulted on this application and raise no objections. They do, however, recommend informatives regarding drainage, (including implementing the scheme in accordance with the drainage hierarchy) water supply and their infrastructure and assets. If drainage ditches/wells were to be affected by the proposal that would need to be pursued as a civil matter or with the relevant legislative body.

#### Sustainability

72. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1<sup>st</sup> January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

*"For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."*

*"Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance."*

73. Given this change, instead of meeting the code level, the dwelling should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. Conditions are recommended to secure this.



74. In addition, the application states that the proposal has been designed to minimise energy usage with a reduced carbon footprint. It also provides that this to be achieved by sustainable design, (siting, thermal mass, sustainable heating and ventilation systems), and secondly through a fabric first approach (high levels of insulation, prevention of thermal bridging, achieving high levels of air-tightness). Further, it states that the property would include an air recovery system, rainwater harvesting, thin film solar modules for on-site energy generation, battery storage, a sustainable drainage system, and triple glazing. Materials are to be locally sourced to reduce the embodied energy.
75. An objection raises that demolishing and rebuilding a property is at odds with the eco-house claim. However, the replacement of dwellings is permissible under planning policy, regardless of eco credentials.

#### Public safety

76. Paragraphs 45 and 97 of the Framework require public safety to be taken into account when determining applications and relevant bodies to be consulted when dealing with applications for development around major hazard pipelines. The site lies within the middle consultation zone of a gas feeder pipeline. The Health and Safety Executive do not advise against the granting of planning permission and although no comments have been received from National Grid, it is considered that the proposal is unlikely to increase risk in relation to the gas pipeline given the scale of the proposal.
77. An objection raises whether the site is suitable for excavation, and this is likely to have been raised due to the original proposal which including a basement. However, there is a sunken garden proposed to the rear of the property. The site is not within the coal risk consultation zone and, therefore, it is not considered that safety of excavations is a particular issue in terms of stability or risks from previous coal mining activity.

#### Community Infrastructure Levy (CIL)

78. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

#### Other matters

79. The agent has confirmed that they served the appropriate notice on owners of land within the red line. If an owner disputes that it is a civil matter to be pursued separately.
80. Although there appears to be accommodation provided in an annexe at the existing property, the site has one address and does not form two properties as an objector says.
81. The gate and gate posts are shown on the existing site plan.
82. The swimming pool that was proposed within the building no longer forms part of the proposal.

#### **CONCLUSION**

83. The proposed development accords with exception (g) of paragraph 149 of the Framework and is not, therefore, inappropriate development in the Green Belt. The proposal would not be harmful to the character and appearance of the area, nor would it result in unacceptable adverse amenity impacts to neighbouring residential properties. The proposal would not prejudice highway safety, nor would it be detrimental to nature consideration interests or the conservation status of the particular bat species, the Common Pipistrelle. It is, therefore, recommended that the application is approved, subject to conditions.

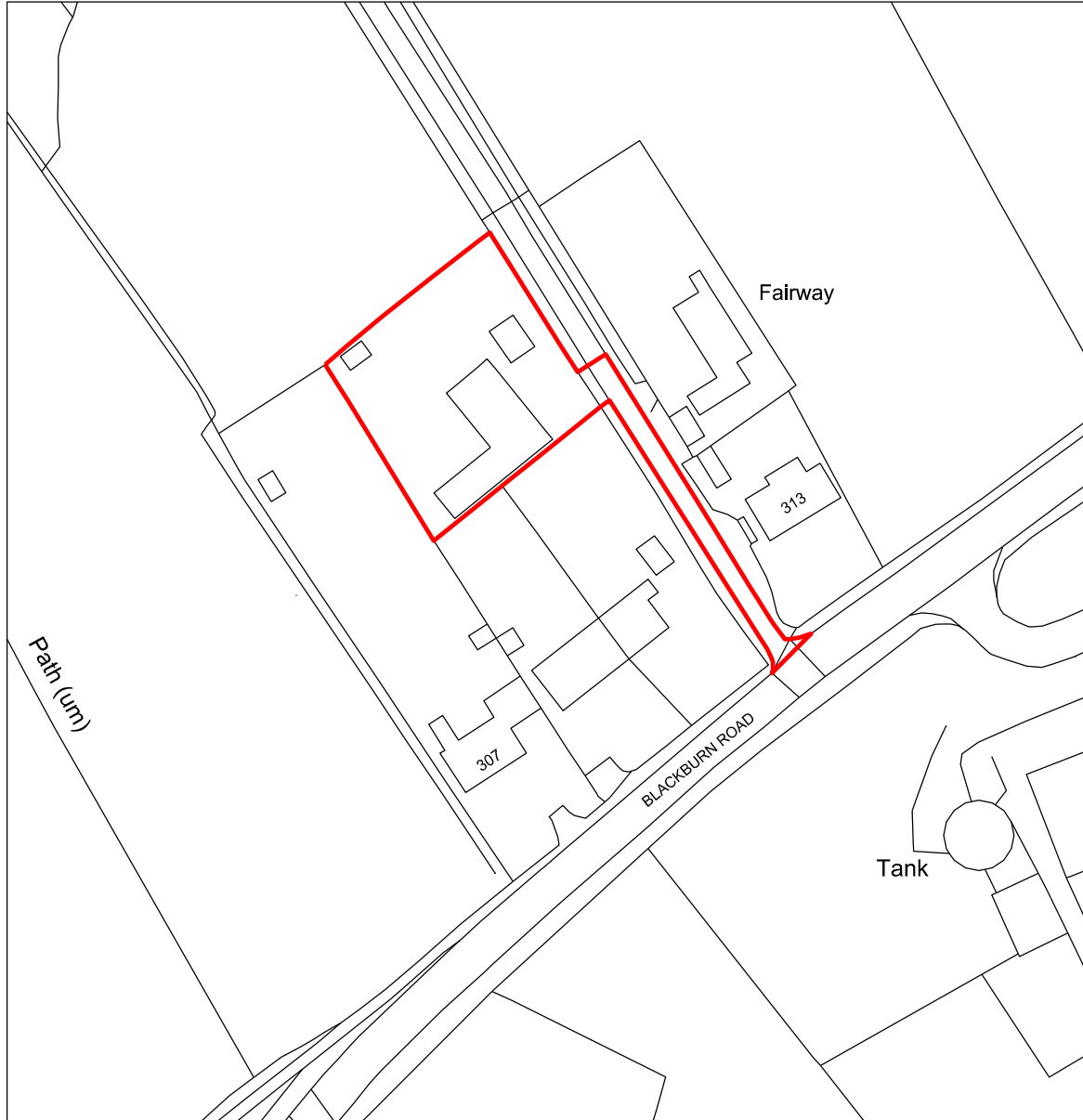
**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

#### RELEVANT HISTORY OF THE SITE

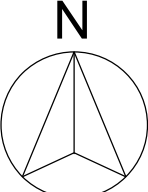

- Ref:** 91/00301/OUT                      **Decision:** REFOPP                      **Decision Date:** 21 May 1991  
**Description:** Outline application for the erection of one detached dwelling
- Ref:** 82/00043/FUL                      **Decision:** PERFPP                      **Decision Date:** 23 February 1982  
**Description:**
- Ref:** 02/00431/FUL                      **Decision:** PERFPP                      **Decision Date:** 12 July 2002  
**Description:** First floor extension to rear
- Ref:** 04/00344/FUL                      **Decision:** PERFPP                      **Decision Date:** 3 June 2004  
**Description:** Erection of single storey extension to side and constuction of dormers to front and rear
- Ref:** 05/00703/FUL                      **Decision:** REFFPP                      **Decision Date:** 2 September 2005  
**Description:** Construct dwelling attached to existing garage and provide pitched roof over existing garage
- Ref:** 11/00521/FUL                      **Decision:** PERFPP                      **Decision Date:** 2 August 2011  
**Description:** Erection of a single storey side/rear extension to form enlarged kitchen/dining room and erection of a single storey side extension to form granny annexe.
- Ref:** 11/01008/FUL                      **Decision:** PERFPP                      **Decision Date:** 2 January 2012  
**Description:** Conversion of garage to Games/Store Room including building up of existing garage door opening to form 2no windows openings (permitted development) and conversion of existing flat roof into pitched roof
- Ref:** 17/00984/FUL                      **Decision:** PERFPP                      **Decision Date:** 6 April 2018  
**Description:** Erection of detached outbuilding to form garden room
- Ref:** 20/00787/FULH                      **Decision:** REFFPP                      **Decision Date:** 28 September 2020  
**Description:** Building up of front and rear elevation walls to facilitate roof pitch alteration, replacement of existing roof, two storey rear extension, front porch and detached outbuilding (following demolition of existing garage)


#### Suggested conditions

To follow.



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	PROJECT NAME <b>THE CROFT</b>	PROJECT No <b>122.21</b>	KEY  APPLICATION BOUNDARY	SIZE <b>A4</b>	
	DRAWING NAME <b>LOCATION PLAN</b>	DATE <b>AUG 21</b>			SCALE <b>1:1250</b>
	POSTCODE <b>PR6 8HL</b>	STATUS <b>PLANNING SUBMISSION</b>			DRAWING No <b>01</b>



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**APPLICATION REPORT – 22/00169/FULHH**

**Validation Date: 13 February 2022**

**Ward: Chorley North East**

**Type of Application: Householder Application**

**Proposal: Single storey rear extension with balcony (retrospective)**

**Location: 153 School Lane Brinscall Chorley PR6 8PT**

**Case Officer: Mrs Hannah Roper**

**Applicant: Helen Jones**

**Agent: Mr Jake Rothwell, WBC Drawings**

**Consultation expiry: 14 March 2022**

**Decision due by: 10 April 2022**

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**RECOMMENDATION**

1. It is recommended that planning permission is granted.

**SITE DESCRIPTION**

2. The application site is located within the settlement area of Brinscall on School Lane, Brinscall. It is bounded on either side by a bungalow and to the rear by a football pitch. Further pitches and a sports pavilion are located on the opposite of School Lane. The land falls to the east and south with no.151 located at a lower level than the application property.
3. The existing property is a detached, two storey dwelling that has been previously extended by the addition of a two storey rear extension and a single storey side extension.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks planning permission for a single storey extension to the rear of the dwelling which would project 3.8m and would have a width of 8m, with a height of 3m. Windows are located in all three elevations, albeit to the north elevation these are high level. This element of the proposal has already been completed.
5. Located above the extension it is proposed to construct a balcony, with 1.8m high privacy screens to the north and south elevations, which would be accessed by a set of patio doors at first floor.

**REPRESENTATIONS**

6. Councillor Margaret France has requested that this application is determined by the Planning Committee for the following reasons:
  - This retrospective planning application would have a detrimental effect on the neighbouring properties in terms of their amenity
  - The large balcony which has been built means their gardens are totally overlooked
  - The privacy which they have previously enjoyed would be lost

- The balcony is large enough for groups of people to congregate with resulting noise and disturbance

7. One representation has been received citing the following grounds of objection:

- The white render does not look aesthetically pleasing
- The proposed terrace would result in a loss of privacy to neighbouring gardens
- The open roof terrace would reflect noise and light

## CONSULTATIONS

7. Brinscall Parish Council – No comments have been received.

8. CIL Officers – Have commented that the proposal is not CIL liable.

## PLANNING CONSIDERATIONS

### Design and impact on the dwelling and streetscene

8. *Policy HS5 of the Chorley Local Plan 2012 – 2026 stipulates that the proposed extension respects the existing house and the surrounding buildings in terms of scale, size, design and facing materials, without innovative and original design features being stifled.*

9. *The Householder Design Guidance SPD requires that extensions are subservient to the existing dwelling and respect the scale, character, proportions of the existing dwelling and surrounding area. In particular it states that the installation of balconies and terraces are almost always problematic and in many cases unacceptable. One possible solution is to incorporate some form of privacy screen. Privacy screens can significantly increase the visual impact of a proposal, and should only be used with great care. Ideally, they should be designed into the fabric of an extension rather than be added as an afterthought.*

10. The proposed extension and balcony above are located to the rear of the dwelling and as such are not visible within the streetscene. Longer range views of the property and extension can be gained from the playing fields to the rear, however these are in private ownership with located access gates.

11. Whilst the extension is white rendered, it is not of excessive scale and given its rear location it is considered that it is not detrimental to the host dwelling, streetscene or surrounding locality. Render is not alien within the front or rear streetscene with the neighbouring bungalow rendered in grey in its entirety. On this basis the extension and balcony are considered to accord with policy HS5 and the Householder Design Guide SPD in respect of design considerations.

### Impact on the amenity of neighbouring occupiers

12. *Policy HS5 of the Chorley Local Plan 2012 – 2026 states that there should be no unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight.*

13. *The Householder Design Guidance SPD seeks to ensure that property extensions have a satisfactory relationship with existing neighbouring buildings, do not have overbearing impacts on adjacent properties and amenity areas and do not lead to the excessive loss of daylight or overshadowing of habitable rooms and amenity spaces of adjacent properties. Furthermore, it asserts that extensions should be located, and windows orientated, to prevent direct overlooking of habitable rooms or private amenity space that belongs to nearby properties. In particular, the SPD states that single storey extensions shall not project further than 3 metres beyond a '45-degree' guideline drawn on plan from the near edge of the closest ground floor habitable room window on an adjoining/affected property. In addition, the SPD states that balconies or terraces which lead to an unacceptable level of overlooking or are visually intrusive are unacceptable.*

14. The proposed extension and balcony above are located to the rear of the property. The neighbouring properties on both sides are bungalows, with the dwelling at no.151 set at a lower level than the application property.
15. Considering the relationship with no.155, a 2m high close boarded fence separates the two dwellings. This neighbouring property has a single storey rear extension with rear facing windows. The proposed extension does not project beyond this extension. The neighbouring dwelling has a carport located adjacent to the common boundary. Given the set in off the boundary and that the neighbouring property is a bungalow, the proposed privacy screen to the boundary would not result in an overbearing impact on the property or garden at no.155.
16. Considering no.151, this bungalow is located at a marginally lower level than the application property. A c.1.6m high fence lies along the common boundary, however this is partially trellis and as a result, the two properties enjoy a relatively open existing aspect between them.
17. This neighbouring property is angled away from the application dwelling with the nearest habitable room window set in some way from the boundary. As such the extension itself does not bisect a 45-degree line drawn from the nearest habitable room window and does not result in an overbearing impact on this dwelling.
18. The proposed extension has a side facing, full height window. The insertion of side facing windows is generally not acceptable, however given that a higher boundary treatment could be installed, the existing open aspect between the two dwelling and that the extension is set in 4m off the boundary, on balance the relationship is considered to be acceptable in this instance. It is noted that no objection has been received from the occupiers of this dwelling.
19. Given the set in off the boundary, it is not considered that the proposed extension or the proposed privacy screens would result in an overbearing impact on this neighbouring garden or the occupiers of the property.
20. The height of the privacy screens, at 1.8m is considered to be acceptable to preserve the privacy of the neighbouring gardens. A condition is recommended to secure an appropriate obscurity level and their erection prior to the use of the balcony.
21. Taking the above factors into consideration, it is considered, on balance that the proposed extension with balcony above is acceptable and accords with policy, subject to the use of appropriate conditions.

## **CONCLUSION**

22. The proposed development would not have an unacceptable adverse impact on the character and appearance of the existing dwelling or the surrounding area, nor would it cause any significant harm to the amenity of neighbouring residents subject to the provision of privacy screens. It is, therefore, considered that the development accords with policy HS5 of the Chorley Local Plan 2012 – 2026 and the Householder Design Guidance SPD. Consequently, it is recommended that the application is approved.

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

### Suggested conditions

1. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Proposed single storey rear extension to a detached house	138/SLB/BR Rev D	15 March 2022

*Reason: For the avoidance of doubt and in the interests of proper planning.*

2. Prior to the use of the balcony hereby approved, the 1.8m high privacy screens indicated on the approved plan shall be installed. The privacy screens shall be to at least Level 5 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority, and they shall be retained at all times thereafter.

*Reason: In the interests of the privacy of occupiers of neighbouring property.*

#### **RELEVANT HISTORY OF THE SITE**

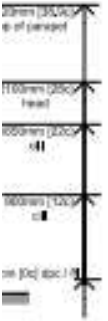
**Ref:** 93/00087/FUL      **Decision:** PERFPP      **Decision Date:** 23 April 1993

**Description:** Two storey rear extension and erection of detached garage

**Ref:** 99/00391/FUL      **Decision:** PERFPP      **Decision Date:** 24 June 1999

**Description:** Attached garage to side





Site Location Plan - 1:1250

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Report of	Meeting	Date
Director of Planning and Development	Planning Committee	29 March 2022

## **PLANNING APPEALS AND DECISIONS RECEIVED BETWEEN 21 FEBRUARY 2022 AND 22 MARCH 2022**

### **PLANNING APPEALS LODGED AND VALIDATED**

Local Planning Authority Reference: 21/01236/CLEUD - Inspectorate Reference: APP/D2320/X/22/3294421

Appeal by Mrs Joanne Cunliffe against the delegated decision to refuse to grant a lawful development certificate for an existing use as residential garden.

53 Longworth Avenue, Coppull, Chorley, PR7 4PJ.

Inspectorate letter confirming appeal valid received 8 March 2022.

Local Planning Authority Reference: 21/01170/FULHH - Inspectorate Reference: APP/D2320/D/22/3294489

Appeal by Mr Joe Allman against the delegated decision to refuse planning permission for 1) Raising of ridge height of roof by replacing existing roof and inclusion of solar panels on front and rear elevations 2) Associated alterations including 1no. rooflight on the front elevation, 3no. rooflights on the rear elevation and new window on flank elevation.

30 High Bank, Heapey, Chorley, PR6 9AY.

Inspectorate letter confirming appeal valid received 15 March 2022.

Local Planning Authority Reference: 21/01278/FUL - Inspectorate Reference: APP/D2320/W/22/3293597

Appeal by Mr David Mitchell against the delegated decision to refuse planning permission for the change of use of land from angling to a mixed use of angling and the provision of five touring caravan pitches, two of which are already in situ.

Stoat Hall Fisheries, Back Lane, Bretherton, Leyland, PR26 9BE.

Inspectorate letter confirming appeal valid received 22 March 2022.

Local Planning Authority Reference: 21/01454/CLPUD - Inspectorate Reference: APP/D2320/X/22/3294330

Appeal by Mr Julian Roebuck against the delegated decision to refuse an application for a certificate of lawfulness for 2no. proposed detached outbuildings.

The Croft, New Lane, Eccleston, Chorley, PR7 6NA.

Inspectorate letter confirming appeal valid received 15 March 2022.

Local Planning Authority Reference: 21/00999/PIP - Inspectorate Reference: APP/D2320/W/22/3293422

Appeal by Mr Max Halsall against the delegated decision to refuse an application for permission in principle for the erection of one dwelling.

Mayfield, Blue Stone Lane, Mawdesley, Ormskirk, L40 2RH.

Inspectorate letter confirming appeal valid received 22 March 2022.

### **PLANNING APPEAL DECISIONS**

Local Planning Authority Reference: 20/01200/OUTMAJ - Inspectorate Reference: APP/D2320/W/21/3284692

Appeal by Hollins Strategic Land against the Planning Committee decision to refuse outline planning permission (specifying the access point) for the development of up to 25 dwellings and associated infrastructure (including 35% affordable housing).

Land at Carrington Road, Adlington.

Appeal allowed 17 March 2022.

Local Planning Authority Reference: 20/01193/OUTMAJ - Inspectorate Reference: APP/D2320/W/21/3284702.

Appeal by Metacre Ltd against the Planning Committee decision to refuse outline planning permission (with all matters reserved) for up to 34 dwellings and associated infrastructure (including 30% affordable housing).

Land South of Parr Lane, Ecclestone.

Appeal allowed 17 March 2022.

Local Planning Authority Reference: 21/00281/FULHH - Inspectorate Reference: APP/D2320/D/21/3287572

Appeal by Mrs Adele Headley against the Planning Committee decision to refuse planning permission for alterations to the existing detached garage including increasing height of walls, raising of ridge height, extension to front and conversion to habitable accommodation, single storey front extension, single storey rear extension with balcony above, and associated external alterations (contrary to officer recommendation).

12 Langton Close, Ecclestone, Chorley, PR7 5UU.

Appeal allowed 21 March 2022.

Local Planning Authority Reference: 21/00366/P3PAJ - Inspectorate Reference: APP/D2320/W/21/3286159

Appeal by Gemma Newell against the delegated decision to refuse prior approval under Part 3, Class O of The Town and Country (General Permitted Development) (England) Order 2015 for the change of use from office (Class B1a) to 8no. apartments (Class C3).

Brindle Mill, Bournes Row, Brindle.

Appeal dismissed 22 March 2022.

### **PLANNING APPEALS WITHDRAWN**

None

### **ENFORCEMENT APPEALS LODGED**

None

### **ENFORCEMENT APPEAL DECISIONS**

None

**ENFORCEMENT APPEALS WITHDRAWN**

None

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Adele Hayes	5228	22 March 2022	***

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